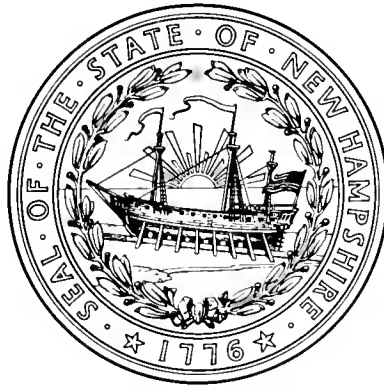


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NEW HAMPSHIRE GENERAL COURT



JOURNAL of the HOUSE OF REPRESENTATIVES

1989 Session
December 7, 1988
through
June 28, 1989

(NOTE: The Permanent House Journals for 1986, 1987 and 1988 numbered those Sessions as the 150th, 151st and 152nd General Court. Further research and reflection has convinced the Clerk that the 1985 and 1986 Sessions were both under the 149th General Court, the 1987 and 1988 Sessions under the 150th General Court.)

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HOUSE JOURNAL NO. 1

Wednesday, December 7, 1988

The House assembled at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, one thousand nine hundred and eighty-eight, being the day designated by the Constitution for assembling of that body, the one hundred and fifty-first General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Carl A. Peterson, House Clerk for the preceding session.

Prayer was offered by Rev. John B. McCall, pastor of the South Congregational Church in Concord.

Abiding Spirit of all new beginnings, we gather with a sense of hope and anxiety this day. If we come with our separate agendas, with our pet projects and our non-negotiable demands, make us mindful, as well, of the larger visions and dreams which cut across all lines and labels and unite us in our labors.

On this day, we are humbly aware of the ways in which yesterday yields to today and today to tomorrow. We can feel the presence of the great cloud of those who have served in this place over the generations. Instill in us a deep respect for their insights and expressions, so that we may be as faithful to the task as they.

We give You thanks for those elected from our number who will lead us, sometimes smoothly and sometimes in the face of great resistance. Grant them wisdom and patience. And we offer special thanks for Carl Peterson who has daily done battle with the threat of chaos. Grant him the assurance of our gratitude for his faithfulness.

Bless then, O God, the spirit in which we gather, the people whom we serve, and those who make it all possible. Amen.

Rep.-elect Alice Tirrell Knight led the Pledge of Allegiance followed by a moment of silent prayer in memory of Pearl Harbor Day.

LEAVES OF ABSENCE

Rep.-elect LeRoy Dube, the day, illness.

Reps.-elect Carter, Record and Buco, the day, important business.

CALL OF THE ROLL**BELKNAP COUNTY**

Dist. No. 1	Steven R. Maviglio, d&r
Dist. No. 2	Kenneth A. Randall, r
Dist. No. 3	James J. White, r
Dist. No. 4	Earle D. Hardy, r&d; Charles C. Vogler, r
Dist. No. 5	Richard A. Ballou, r; Richard H. Campbell, Jr., r&d; Robert S. Hawkins, r; Ralph W. Pearson, r
Dist. No. 6	Matthew J. Locke, r; Alice S. Ziegra, r&d
Dist. No. 7	Paul A. Golden, r
Dist. No. 8	Thomas Rice, Jr., r
Dist. No. 9	Ralph J. Rosen, r
Dist. No. 10	Dennis R. Bolduc, r; Lawrence Richardson, d&r
Dist. No. 11	Robert H. Turner, r
Dist. No. 12	Kenneth P. Peters, r
Dist. No. 13	Robert G. Holbrook, r

CARROLL COUNTY

- Dist. No. 1 Gene G. Chandler, r
- Dist. No. 2 Nanci A. Allard, r; Howard C. Dickinson, Jr., r; A. Gibb Dodge, Jr., r&d
- Dist. No. 3 Robert J. Daly, Jr., r
- Dist. No. 4 Robert W. Foster, r; Allen R. Wiggin, r
- Dist. No. 5 Gerard E. Powers, Jr., r; Howard N. Saunders, r
- Dist. No. 6 Russell C. Chase, r; Kenneth J. MacDonald, r
- Dist. No. 7 J. Lisbeth Olimpio, r

CHESHIRE COUNTY

- Dist. No. 1 Jeffrey C. Miller, r; David A. Young, r
- Dist. No. 2 John J. Laurent, r; JoAnn T. Morse, r&d
- Dist. No. 3 Kenneth A. Cole, d; Robert F. Delano, r; Irene A. Pratt, d,
- Dist. No. 4 Daniel A. Eaton, d&r
- Dist. No. 5 Stephen G. Avery, r; Irvin H. Gordon, r
- Dist. No. 6 Richard A. Grodin, r&d; Alfred P. Sawyer, r&d
- Dist. No. 7 William R. Matson, d
- Dist. No. 8 Donald O. Crutchley, r
- Dist. No. 9 John B. Hunt, r
- Dist. No. 10 Stacey W. Cole, r; David M. Perry, r
- Dist. No. 11 Katherine H. Metzger, r
- Dist. No. 12 Paul G. Blacketor, d
- Dist. No. 13 Susan S. Spear, d&r
- Dist. No. 14 Douglas E. Hill, r
- Dist. No. 15 Gertrude B. Pearson, r
- Dist. No. 16 David M. LaMar, d&r
- Dist. No. 17 Robert E. Barber, Jr., d; Richard F. Doucette, d; Katherine D. Foster, d; David A. Pierce, r

COOS COUNTY

- Dist. No. 1 Beaton Marsh, r; Gerald P. Merrill, r
- Dist. No. 2 C. Fitzgerald Buckley, III, r
- Dist. No. 3 Josephine Mayhew, d
- Dist. No. 4 Lynn C. Horton, r&d
- Dist. No. 5 Harold W. Burns, r
- Dist. No. 6 Jeffrey R. Woodburn, d
- Dist. No. 7 Lawrence J. Guay, d&r; Otto H. Oleson, d
- Dist. No. 8 Catherine V. Brungot, r; Robert E. Dumont, r; Dennis J. Kilbride, d; George Lemire, d; Harold D. Nelson, d&r; Romeo J. Theriault, d

GRAFTON COUNTY

- Dist. No. 1 Richard L. Hill, r; Kathleen W. Ward, r; Henry F. Whitcomb, Jr., r
- Dist. No. 2 Philip H. Weymouth, r
- Dist. No. 3 Edward Densmore, d&r
- Dist. No. 4 Roger Stewart, r&d
- Dist. No. 5 Paul I. LaMott, r; Douglass P. Teschner, r&d
- Dist. No. 6 Larry E. Eno, r; J. Keith Markley, r
- Dist. No. 7 Deborah L. Arnesen, d

- Dist. No. 8 Shirley M. Bennett, r; David O. Dow, r; William J. Driscoll, r&d
- Dist. No. 9 Nils H. Larson, Jr., r
- Dist. No. 10 Bruce C. Rounds, r
- Dist. No. 11 C. Dana Christy, r&d; William B. Rose, r; David M. Scanlan, r&d
- Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Robert H. Guest, d; Sharon L. Nordgren, d
- Dist. No. 13 Carl S. Adams, r; Pamela B. Bean, r&d; Channing T. Brown, r; Howard C. Townsend, r; Karen O. Wadsworth, r&d

HILLSBOROUGH COUNTY

- Dist. No. 1 David D. Hultgren, r; Ervin R. Lachut, r
- Dist. No. 2 Larry G. Elliott, r
- Dist. No. 3 Neal M. Kurk, r
- Dist. No. 4 Roland A. Sallada, r
- Dist. No. 5 Elizabeth A. Moore, r
- Dist. No. 6 Lawrence A. Emerton, Sr., r; Bruce F. Hunter, r; Alice Tirrell Knight, r; Daniel P. McNerney, r; Karen McRae, r
- Dist. No. 7 Eleanor H. Amidon, r; Merton S. Dyer, r; Robert H. Grip, r
- Dist. No. 8 Paul L. Drolet, Jr., r; Howard F. Mason, r
- Dist. No. 9 Garret P. Cowenhoven, r&d; Carol H. Holden, r; Elizabeth D. Lown, r; Nancy Tarpley, r
- Dist. No. 10 Vivian Barry, r; Lester R. Perham, r&d; Bartolo V. Prestipino, r&d; David K. Wheeler, r&d
- Dist. No. 11 Dorothy C. Bowers, r&d; Maurice E. Goulet, r; John F. Klose, r; Barbara A. Upton, r&d
- Dist. No. 12 Ellen-Ann Robinson, r
- Dist. No. 13 Frederick G. Ahrens, r; Emma M. Dodge, r; Dennis H. Fields, r; Nancy G. Frank, d; Guy R. Granger, Jr., r; Robert N. Kelley, r
- Dist. No. 14 Ellen C. Dube, d
- Dist. No. 15 Bonnie B. Packard, r&d
- Dist. No. 16 Betty B. Hall, d
- Dist. No. 17 Clyde S. Eaton, r
- Dist. No. 18 Gladys M. Cox, r; George W. Wright, r&d
- Dist. No. 19 David J. Alukonis, r; Lionel R. Boucher, r; Shawn N. Jasper, r; Stanley N. Searles, Sr., r; Willard N. Young, r
- Dist. No. 20 Patrick Culbert, r; Michael E. Jones, r; Norman B. Lawrence, r
- Dist. No. 21 Leonard A. Smith, r
- Dist. No. 22 Barbara J. Baldizar, d; Robert C. Bicknell, r; Paul M. Tyree, r
- Dist. No. 23 Stanley R. Vanderlosk, r
- Dist. No. 24 Robert A. Daigle, d&r; Nancy M. Ford, r; Lionel Guilbert, d
- Dist. No. 25 Susan N. Harlan, r; Linda D. Long, d; Donnalee M. Lozeau, r
- Dist. No. 26 Ann M. Derosier, d; Francis X. Donovan, d; Lucien G. Rousseau, Jr., d&r
- Dist. No. 27 Daniel Toomey, d
- Dist. No. 28 Hector J. Hidalgo, d; Romeo W. Jean, d; Steve Kuchinski, d
- Dist. No. 29 Gabrielle V. Gagnon, d; Roland J. Lefebvre, d; James E. McDowell, d&r
- Dist. No. 30 Adam C. Gureckis, Sr., d; Roland A. Morrisette, d; Ronald P. Sage, Jr., d

- Dist. No. 31 Edmund M. Keefe, r; Bonnie Lou McCann, d&r; Debora B. Pignatelli, d
- Dist. No. 32 A. Theresa Drabinowicz, d
- Dist. No. 33 Carolyn L. Brady, r; Lee Anne S. Steiner, r; Linda S. Wihby, r
- Dist. No. 34 Christine A. Biondi, r; Catherine A. Schneiderat, r; Walter A. Stiles, r
- Dist. No. 35 Ann J. Bourque, d&r; Theodora P. Nardi, d&r; Joanne A. O'Rourke, d
- Dist. No. 36 Scott E. Green, r
- Dist. No. 37 Lionel W. Johnson, d; Toni Pappas, r; Leo P. Pepino, r
- Dist. No. 38 William M. Barry, d; Daniel J. Healy, d; Daniel M. McCarthy, d
- Dist. No. 39 Leona Dykstra, d&r; Herbert N. Foote, Sr., r; Lillian E. Soucy, d&r
- Dist. No. 40 Robert E. Murphy, d&r
- Dist. No. 41 Patricia R. Dwyer, d; Fernand A. Genest d; Gilles R. Provost, r
- Dist. No. 42 Roland O. Beaupre, r; Jacquelyn M. Domaingue, r; John A. King, d
- Dist. No. 43 Janet G. Barry, r; Peter A. Burkush, d; William J. Desrosiers, Jr., r
- Dist. No. 44 Frances L. Riley, r
- Dist. No. 45 Mary Jenkins, d&r; Irene M. Messier, r; Frank J. Reidy, d&r
- Dist. No. 46 Paul R. Dionne, d; Roland M. Turgeon, d
- Dist. No. 47 Gerard T. Desrochers, d; Gloria W. Kress, r; Lillian I. Rheault, r
- Dist. No. 48 Robert O. Ouellette, r

MERRIMACK COUNTY

- Dist. No. 1 Elizabeth S. Bardsley, r; James D. Phelps, r
- Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r
- Dist. No. 3 Nancy C. Beaton, d; Thea G. Braiterman, d
- Dist. No. 4 Elizabeth S. Millard, r; Rick A. Trombly, d&r
- Dist. No. 5 C. William Johnson, r; Mary Ann Lewis, r; Peter M. Stio, r
- Dist. No. 6 Richard A. Barberia, r; Leo W. Fraser, Jr., r; Robert A. Lockwood, r
- Dist. No. 7 Eleanor M. Anderson, r; Patricia A. Fair, d&r; Douglas E. Hall, r; Randall F. Shaw, r
- Dist. No. 8 Gabriel Daneault, d; Leo A. Provencal, d
- Dist. No. 9 Lowell D. Apple, r&d; Laurent J. Boucher, r; Terence R. Pfaff, r
- Dist. No. 10 Bronwyn Asplund, r; Richard W. Tolpin, r; James A. Whittemore, r&d
- Dist. No. 11 Eugene E. Pantzer, r
- Dist. No. 12 Robert M. Gilbreth, r&d
- Dist. No. 13 Mary C. Holmes, r
- Dist. No. 14 Michael Hill, r
- Dist. No. 15 Paul R. Fillion, r
- Dist. No. 16 Caroline L. Gross, r&d
- Dist. No. 17 Mark E. Manus, r
- Dist. No. 18 Bert Teague, r
- Dist. No. 19 Jennifer G. Soldati, d
- Dist. No. 20 Gerald R. Smith, r
- Dist. No. 21 Miriam D. Dunn, d; Elizabeth Hager, r; Robert C. Hayes, r; Mary Jane Wallner, d; George M. West, r

ROCKINGHAM COUNTY

- Dist. No. 1 Robert A. Johnson, r
- Dist. No. 2 John L. Sherburne, r
- Dist. No. 3 Russell G. Seward, r
- Dist. No. 4 Roger C. King, r

- Dist. No. 5 Richardson D. Benton, r; Harry E. Flanders, r; Henry E. Wells, r&d
- Dist. No. 6 Douglas G. Forsythe, r&d; John Hoar, Jr., r&d; Kathleen M. Hoelzel, r; Calvin Warburton, r
- Dist. No. 7 Eunice M. Campbell, r; Janet M. Conroy, r; Robert M. Fesh, r; George N. Katsakiores, r; Phyllis M. Katsakiores, r; Virginia K. Lovejoy, r; Maurice B. MacDonald, r; Nancy W. MacKinnon, r
- Dist. No. 8 Natalie S. Flanagan, r; Raymond H. Gourdeau, r
- Dist. No. 9 Richard L. Haynes, r; Marilyn P. Senter, r; Peter M. Simon, r
- Dist. No. 10 John W. Flanders, Sr., r; Vincent J. Palumbo, Jr., r; David A. Welch, r
- Dist. No. 11 Patricia L. Cote, r; William F. McCain, r
- Dist. No. 12 Albert Caswell, Jr., d; Elizabeth M. Popov, d
- Dist. No. 13 Carl F. Anderson, III, r; Thomas U. Gage, r; Thaddeus E. Klemarczyk, r; Harold F. Magoon, r; Arthur Tufts, r
- Dist. No. 14 Jeffrey M. Brown, r; Charles H. Felch, Sr., r
- Dist. No. 15 James R. Rosencrantz, d&r
- Dist. No. 16 Frank J. Palazzo, Sr., r
- Dist. No. 17 Lewis W. Brown, r; Beverly A. Hollingworth, d; Kenneth W. Malcolm, r; Ednapearl F. Parr, r; Barbara R. Remick, r
- Dist. No. 18 Elizabeth A. Greene, r; John J. McCarthy, Jr., r; Eugene Ritzo, r
- Dist. No. 19 Robert F. Parsons, r&d; W. Douglas Scamman, Jr., r
- Dist. No. 20 Marilyn R. Campbell, r; Annette M. Cooke, r; Bert H. Ford, r; Beverly A. Gage, r; Stephanie K. Micklon, r; Bernard J. Raynowska, r; Donald L. Roulston, r; Donna P. Sytek, r;
- Dist. No. 21 Ada L. Mace, r; Patricia M. Skinner, r&d
- Dist. No. 22 Arthur P. Klemm, Jr., r
- Dist. No. 23 William P. Boucher, r; Betsy McKinney, r; Rowland Schmidtchen, r; Matthew M. Sochalski, r; Vicki Stachowske, r; David B. Wright, r
- Dist. No. 24 Laura C. Pantelakos, d; Michael R. Weddle, d
- Dist. No. 25 Patricia O. Sanderson, d; John E. Splaine, Sr., d
- Dist. No. 26 Juanita L. Bell, d; MaryAnn N. Blanchard, d&r
- Dist. No. 27 Cynthia A. McGovern, d; Charles L. Vaughn, d
- Dist. No. 28 Lawrence A. Chase, Jr., r; Carolyn E. Hynes, d; Cecelia D. Kane, d; Joseph A. MacDonald, d

STRAFFORD COUNTY

- Dist. No. 1 Glenn W. Stewart, r; Warren L. Swope, r
- Dist. No. 2 Henry P. Sullivan, d&r; William Tsiros, d&r
- Dist. No. 3 Douglas A. Lachance, d; George T. Musler, r
- Dist. No. 4 Wayne M. Burton, d; W. Kent Martling, r; Amanda A. Merrill, d; Leo J. Spencer, d; Janet G. Wall, d; Katherine W. Wheeler, d
- Dist. No. 5 Albert J. Dionne, d&r
- Dist. No. 6 Paula J. Kinney, r; Robert E. Marston, r; Joe B. Parks, r; Thomas E. Scharff, d; Ann M. Torr, r
- Dist. No. 7 Mary E. Bernard, d; Gary R. Gilmore, d; William K. Kincaid, d; William H. McCann, Jr., d&r
- Dist. No. 8 Anita A. Flynn, d; Edward J. Flynn, d; Roland A. Frechette, d; Francis C. Vincent, d
- Dist. No. 9 John H. Meserve, r

- Dist. No. 10 Drucilla Bickford, r; Patricia H. Foss, r; John O'Brien, d&r; Janet R. Pelley, d; John B. Young, r
- Dist. No. 11 James E. Appleby, r&d; Julie M. Brown, r; Robert J. Callaghan, d; Ralph W. Torr, r

SULLIVAN COUNTY

- Dist. No. 1 Peter Hoe Burling, d; Merle W. Schotanus, r
- Dist. No. 2 Gordon B. Flint, r; Fredrik Peyron, r; Beverly T. Rodeschin, r
- Dist. No. 3 Thomas A. Behrens, r&d
- Dist. No. 4 Carol M. Stamatakis, d
- Dist. No. 5 Irene C. Domini, r; Keith L. Hinrichsen, r
- Dist. No. 6 Richard H. Krueger, r; John A. Middleton, r
- Dist. No. 7 Robert J. Brodeur, d; Edward A. Lucier, Jr., d&r
- Dist. No. 8 Jane A. Harland, d; Kurt A. Normandin, d&r
- Dist. No. 9 Kenneth M. MacAskill, r

390 members having answered the call of the roll, a quorum was declared present.

Reps.-elect Palumbo and Chambers offered the following:

Resolved, that a committee of four be appointed to wait upon His Excellency the Governor, John H. Sununu, and inform him that a quorum of the House is assembled and request his attendance.

Adopted.

The Chair appointed Reps.-elect Daniel J. Healy, Elizabeth A. Greene, Otto H. Oleson and Harold W. Burns

RECESS

INTRODUCTION OF GUESTS

Maurine Peterson, Arlene Marston, Donna Braman and Kristy Blake, family of House Clerk, Carl Peterson; Robert and Alicia Woodburn, parents of Rep.-elect Woodburn; Jean and Philip Nelson, wife and son of Rep.-elect Nelson; Greg Markey, guest of Rep.-elect Lachance; Mary Ritzo, wife of Rep.-elect Ritzo; Mr. and Mrs. Robert Jasper and Mr. Henry Newton, parents and grandfather of Rep.-elect Jasper; Sharon Anderson, mother of Rep.-elect Anderson; Greta Whittemore, wife of Rep.-elect Whittemore; Maria and Vicky Searles, Barbara Roberts and Cynthia Wrocklage, guests of Rep.-elect Searles; the United States History Class from Winnacunnet High School in Hampton and teacher Fred Muscara, guests of Rep.-elect Malcolm.

Governor John Sununu, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Councilors Raymond S. Burton, Peter J. Spaulding, Ruth L. Griffin, Earl A. Rinker, Bernard A. Streeter, and the above-named lady and gentlemen, having presented their credentials, were duly qualified by the Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Governor and Executive Council retired.

The Chair declared that nominations for Temporary Chairman were in order.

Rep. Palumbo nominated Joseph M. Eaton of Hillsborough as Temporary Chairman.

Rep. Chambers seconded the nomination.

There being no further nominations, the Chair instructed the Assistant Clerk to cast one ballot for Joseph Eaton.

The Assistant Clerk cast one ballot for Joseph Eaton as Temporary Chairman and he was declared elected.

Reps. Palumbo and Chambers escorted Joseph Eaton into the chamber.

(Joseph Eaton in the Chair)

The Chair addressed the House briefly:

The New Hampshire Legislature has a long history of good government, and now, with the cooperation of both parties, Speaker Scamman has set a new record of accomplishment.

In speaking to you for the last time, I will discuss two subjects. One is voter participation which is poor and growing worse.

Nationwide, fewer than half the voters vote in many important elections - and fewer than 27 percent in many primaries. A 25 percent vote means 13 percent can win, and that is not government by the people. Not voting is a national problem and many efforts to solve it have failed. A few years ago, the New Hampshire Legislature pioneered in teaching voter responsibility. With the assistance of Justice Kenison and other notables, this Legislature instituted a long range educational program in the public schools.

I respectfully suggest that the 1989 House Committee on Education might well continue to expand this program.

My only other subject is party politics. Our two-party system is superior to other forms of government. As you know, each party appoints a Committee to write the party platform. This Committee disagrees and agrees and finally comes up with a tolerable compromise.

I have been Chairman of a Massachusetts Democratic Platform Committee and Chairman of a New Hampshire Republican Platform Committee. There was a striking resemblance between the two Committees.

Finally, the voters have two incorrect answers, always vote the straight ticket or don't ever vote.

But, the New Hampshire voter, now and forever, has the right to make his own final decisions. That may be one reason why our two-party system survives. Thus, under our Constitution, the voters still own our government, if they vote.

In closing, I wish you a happy new session. We will return now to today's business.

The Chair declared that nominations for Speaker were in order.

Rep. Palumbo placed the name of Rep. W. Douglas Scamman in nomination for Speaker.

Reps. Elizabeth A. Greene and Benton seconded the nomination.

Rep. Densmore placed the name of Rep. Mary P. Chambers in nomination for Speaker.

There being no further nominations the Chair declared nominations closed.

Rep. Chambers withdrew and moved that one ballot be cast for the member from Stratham, Rep. Scamman, and spoke to her motion.

The Chair instructed the Clerk to cast one ballot for Rep. Scamman and declared Rep. Scamman duly elected Speaker of the 1989 House of Representatives.

Reps. Palumbo, Greene and Benton escorted Rep. Scamman to the rostrum.

(Speaker in the Chair)

Rep. Scamman, for the entire membership, offered the following:

HOUSE RESOLUTION NO. 10

honoring former Representative Joseph M. Eaton of Hillsborough.

WHEREAS, for the twenty-eight legislative years between 1961 and 1988, the New Hampshire House of Representatives was privileged to have among its members, the Honorable Joseph M. Eaton of Hillsborough, and

WHEREAS, throughout his distinguished legislative career, Joseph M. Eaton, was committed to the philosophy that he was elected, first and foremost, to do what was right for his constituents and for the State of New Hampshire and that all other considerations were secondary, and

WHEREAS, Joseph M. Eaton has always been a respected legislator, a man of integrity; a learned man with a vast knowledge and understanding of the legislative process and political system, and

WHEREAS, for more than twenty-seven consecutive years, Joseph M. Eaton fashioned an enviable and unequalled attendance record, having never missed a committee hearing or session day, and

WHEREAS, among the impressive legislative credentials Joseph M. Eaton acquired in nearly three decades of service are his three terms as Appropriations Committee Chairman and eight terms as Chairman of the Constitutional and Statutory Revision Committee, and

WHEREAS, having been born on the first day of December, Nineteen Hundred and One, Joseph M. Eaton has just celebrated his eighty-seventh birthday and for all of those years the many friends and acquaintances who have come to know him have all been far richer for the experience, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Joseph M. Eaton receive highest praise and recognition for twenty-eight years of unwavering commitment to his legislative duties, and be it further

RESOLVED, that Joseph M. Eaton, on the occasion of his retirement from public service, be warmly saluted by the New Hampshire House, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted unanimously.

INTRODUCTION OF GUESTS

Nancy and David Whitelaw of Buffalo, New York and Polly and Paul Atridge of Needham, Massachusetts, family of Joseph Eaton.

The Speaker addressed the House briefly.

I'd like to thank all of you for your vote of confidence in returning me to the Speaker's Chair for another two years. I will continue to work hard to create the most open and honest environment for our legislative deliberations.

I am humbled by your show of faith in my leadership. I am further encouraged by your willingness to come forward and openly communicate your ideas for improving our constantly evolving process. I am also overwhelmed by your strong support of our past achievements and I pledge to strive continually to do what is right for the state of New Hampshire.

As I begin my eleventh term as a member of this House and my second term as its presiding officer, I extend my deepest gratitude to all those people who have had a hand in my political fortune. I recognize and thank my loving wife, Stella, and our four children whose support has been and will continue to be instrumental to me. I really appreciate what they have done.

I also would like to recognize my mother and father, W. Douglas Scamman, Sr. Two years ago my father explained to me that I really wasn't as good as him because he got to be Speaker on his seventh term, not his tenth term. Today I can tell him, "Dad, you never made it the second term." I would also like to thank the people in my district. I've represented the towns of Newfield, North Hampton, Greenland and Stratham, and I really appreciate the faith they have put in me to be their representative for so many years.

The unanimous support of you, my peers and colleagues, is a stamp of approval for our past efforts and it is also a challenge to make the upcoming session even more efficient and productive than the last.

When first elected Speaker, I listened to your recommendations on improving our process. I am proud to say that we instituted many sound changes that have strengthened the New Hampshire House of Representatives.

Most importantly, we have provided each member, through their Committees, the resources and support staff to effectively carry out their legislative duties. I think that this is extremely important in the times we live in. People suggest that in the next five years we will have as many technical changes as we have had in the last twenty-five. If you think of the changes we have had in the last twenty-five years, then we need the staff to keep us abreast of what is going to happen if the changes are going to be that fast in the next five.

You asked for, and we have provided you with, punctuality and a regular schedule of hearings and sessions which give you an easier way to plan your outside obligations and interests with your legislative responsibilities. We have set reasonable deadlines to finish our work and we have met those deadlines.

We achieved our goals of openness and fairness throughout the process. We will continue to provide more advanced notice of hearings for members and the public.

We have listened and responded positively to your concerns and we will continue to do so.

My personal relationship and contact with each of you will continue to be the cornerstone of my leadership. The door to the Speaker's Office is always open to you.

Each and every one of us can and will make a difference in shaping the most effective policies to deal with the important challenges facing New Hampshire in the coming two years.

It is my duty as Speaker to provide an environment in which each member, as well as the body as a whole, can fairly and openly debate and shape the consensus policies that will determine the quality of life here in New Hampshire for generations to come.

In order to make this process work, a Speaker has many leadership styles at his disposal. I have always chosen to lead with reason, balance and openness. I have always said, that in this body, we are all leaders. We're leaders, and our communities recognize that and that's why they elect us. My leadership style allows all of us to participate in the process and to contribute to our successes.

One of our most important operational goals of this session is to write legislation that is as clear and precise as possible. We want to avoid the conflicts of the past with the executive branch, while, at the same time strengthen the ability of the Legislature to unequivocally establish the statutory policies of our state.

We must work together diligently to find solutions to the challenges facing our state. Among the many issues that will take center stage are: The state budget; growth pressures and environmental concerns; energy needs and costs; drug abuse; affordable housing/homelessness and excellence in education.

I would like to take a few moments to address these important issues.

This session, the state budget process will be a difficult one. The fact is, that current revenue receipts are not increasing at the same high rates as in the prior two sessions. This change is further amplified with the continuing federal budget deficit problem which is resulting in greater cutbacks in federal funds being returned to state and local governments, and until they solve the problem there is going to be a continuing decline in my estimation of the federal government. The federal government used to return the equivalent of four percent of the Gross National Product to the states and local governments. At this time they are only returning two percent of the Gross National Product to the states and governments. We will have to adjust as the federal government continues to decline.

We all realize that these federal reductions are putting more pressure on our local taxes. I have faith that together we will solve these problems with hard work and some Yankee ingenuity in the traditional New Hampshire fashion. I think that the local governments, like the state governments, are going to have to look long and hard at how they spend their money.

Our top priority for the first session will be to address these budgetary issues.

We have experienced unprecedented growth in the last few years and the demands on our roads, schools and services have grown proportionately. In light of the cutbacks in federal funding, we will have to make tough policy decisions on the allocation of our state resources to meet these increased demands. The cornerstone of our policy decisions must be balance and equity.

For example, waste disposal will be one of the most pressing of the growth related problems. An effective waste management program will require a balanced blend of waste source reduction, waste to energy facilities, landfills and recycling. The implementation of this policy will be a joint state and local responsibility. However, the state must take the lead to put these programs into place.

An adequate and affordable supply of electricity is still a burning issue in New Hampshire. I am proud of the tremendous effort our Legislature put into resolving key elements of this problem over the past summer. Our Long-Range Energy Study Committee has produced a well thought out and balanced set of recommendations which should be implemented through the legislature this session.

We will also continue to monitor the Public Service Company of New Hampshire's bankruptcy proceedings and do everything we can to maintain New Hampshire's priority role in the rate-setting process. Our responsibility, here in the House of Representatives, is to the citizens of New Hampshire, not those who have been collecting 18 to 22 % interest on their speculative investments for the past several years.

The disease of drug abuse continues to plague New Hampshire and the entire country. Even though arrests are up 57 % in the last year, we must carry this fight forward in the schools and the Judicial system. Our first priority must be to eliminate demand for drugs by implementing early and thorough education programs in our schools, and I think until we get people educated about drugs, we are going to have a problem. We must continue to demand the harshest penalties for drug pushers.

In the last session of the legislature we adopted model programs to make more housing available to those in need of assistance. We will review those programs and continue to help with programs that prove to be effective. We need to address the fact that local zoning regulations remain the most significant hurdle in creating more affordable housing.

The education of our youth will always be one of this Legislature's top priorities. To meet the demands of the future labor requirements of this country, and our state in particular, all of our students should be able to attain an education beyond high school. I think that's a known fact. The literacy screening and dropout prevention legislation passed last year was a great start. This study Committee met throughout the summer, held extensive hearings and we must press ahead with the recommendations they have made. I, for one, agreed with the requirement, last session, that people could not apply for a driver's license until they did well in school. I just want to tell you briefly about an experience that I had within the last two weeks. It is a very personal one, because my youngest son came home and he had a very poor mark in his Spanish test. He is a very capable student. He turns sixteen this coming Sunday. He's taking driver training and he informed me that he just could not do Spanish. Well, I know better because he's a good student. I informed him that he wasn't going to apply for his driver's license, unless he got an A in Spanish. His next test was three days later and he got an A. I congratulate him for that.

We must also seek to form public and private sector partnerships to foster excellence in education similar to those in the State of Maryland. There is a Chamber group in Maryland that instituted a program whereby all the participating businesses promised to give discounts to any students and families whose students receive straight As. They went from 125 students receiving straight As to more than 400.

These are just some of the challenges, and yes, our work is never done. However, it is encouraging to read from time to time that we are doing things right here in New Hampshire, as in today's paper: "New Hampshire ranked third nationally in a United States News and World Report article dealing with service to the seriously mentally ill." That's up from seventh a year earlier.

We must never lose sight of the fact that we are all here for the same purpose, for the good of the people of our state and for those who come after us. We all have an equal voice and an equal vote in this chamber. I assure you I will do all in my power to see that your talents and energies are used to the fullest.

Thank you again for your support. I will do my best to deserve your confidence in my leadership and together we will reap many successes during the next two years.

INTRODUCTION OF GUESTS

The Speaker introduced his wife Stella, children Bruce, Kirk and Lisa and his parents, Greta and W. Douglas Scamman, Sr.

Ted Mueller, Rep. Robert Harris of Windsor, Vermont, Barbara Krooss, Don Flood, Yvonne and Dexter Hole, and Judy and Jerry Starrett.

The Speaker made the following appointments:

Deputy House Speaker - Rep. Harold W. Burns

Majority Leader - Rep. Vincent J. Palumbo

Minority Leader - Rep. Mary P. Chambers

Majority Whip - Rep. Ann M. Torr

The Speaker declared nominations were in order for House Clerk, Assistant Clerk and Sergeant-at-Arms.

Rep. Patricia M. Skinner placed the name of James A. Chandler of Concord in nomination for Clerk of the House.

Rep. William P. Boucher seconded the nomination.

Rep. Beverly T. Rodeschin placed the name of Leo J. Callahan of Concord in nomination for Assistant Clerk.

Rep. Calvin Warburton seconded the nomination.

Rep. Robert N. Kelley of Merrimack placed the name of Warren W. Leary of Alton in nomination for Sergeant-at-Arms.

Rep. Ednapearl F. Parr of Hampton seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for the nominees.

The Chair declared Mr. Chandler elected House Clerk; Mr. Callahan elected Assistant Clerk and Mr. Leary elected Sergeant-at-Arms.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention for the purpose of electing a Secretary of State and a State Treasurer.

Rep. Palumbo offered the following:

RESOLVED, that the House inform the Honorable Senate it has organized and is ready to meet with the Senate in Joint Convention for the purpose of electing a State Treasurer and a Secretary of State.

Adopted.

RECESS

JOINT CONVENTION

(Speaker presiding)

The Chair declared nominations were in order for Secretary of State.

Rep. Daniel J. Healy placed the name of William M. Gardner in nomination for Secretary of State.

Sen. Ralph Degnan Hough seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mr. Gardner.

The Chair declared William M. Gardner duly elected Secretary of State.

The Chair declared nominations were in order for State Treasurer.

Rep. Donna P. Sytek placed the name of Georgie A. Thomas in nomination for State Treasurer.

Sen. George E. Freese seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the Clerk to cast one ballot for Mrs. Thomas.

The Chair declared Georgie A. Thomas duly elected State Treasurer.

Senate President William S. Bartlett addressed the House briefly.

RECESS

The Chair administered the oath of office to Mr. Gardner, Mrs. Thomas, Mr. Chandler, Mr. Callahan and Mr. Leary.

Mrs. Thomas and Mr. Gardner addressed the House briefly.

Sen. Dupont and Rep. Palumbo moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

(Speaker in the Chair)**INTRODUCTION OF GUESTS**

Peta Chandler, Lee, William, Jennifer and William, Jr. Clifford, family of House Clerk James Chandler; Anne, Lisa, Barbara and Joseph Tolpin and Jens Freydank, family and guests of Rep. Tolpin; Professor Douglas L. Wheeler, guest of Rep. Katherine Wheeler; Carol Palumbo, Edward Higgins and Tip MacDonald, wife, father-in-law and guest of Rep. Palumbo; Alison White, wife of Rep. White; former Representatives Emma and Kenneth Wheeler, Joy, Sarah and Bethany, aunt, uncle and family of Rep. David Wheeler.

Reps. Burns and Chambers offered the following:

HOUSE RESOLUTION NO. 1

RESOLVED, that the House adopt the rules of the 1988 Session, with the following amendments to House Rules 29, 29(b) and 29(i), and with the provision that other amendments may be adopted by majority vote through a date in January to be decided on January 4, 1989.

Amendment

Amend House Rule 29 by deleting the Committee on Children, Youth and Elderly Affairs, and inserting in place thereof the following:

Children, Youth and Juvenile Justice

Amend House Rule 29 by deleting the Committee on Health and Human Services, and inserting in place thereof the following:

Health, Human Services and Elderly Affairs

Amend House Rule 29(b) by striking out said section and adding in place thereof the following:

House Rule 29(b): It shall be the duty of the Committee on Children, Youth and Juvenile Justice to consider matters relating to children, youth and juveniles, their rights, obligations and protection; matters relating to juveniles and the justice system and such other matters as may be referred to it.

Amend House Rule 29(i) by striking out said section and adding in place thereof the following:

House Rule 29(i): It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions, the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

Adopted.

Reps. Elizabeth A. Greene and Densmore offered the following:

HOUSE RESOLUTION NO. 2

RESOLVED, that the Speaker appoint a committee of three to assign seats to the members.

Adopted.

The Chair appointed Reps. James D. Phelps, Chairman, Maurice B. MacDonald and William R. Matson.

Reps. Sallada and Matson offered the following:

HOUSE RESOLUTION NO. 3

RESOLVED, that a committee of 10, one from each county, be appointed by the

Speaker to select some suitable person to act as Chaplain during the present session of the legislature and report such selection to the House for consideration.

Adopted.

The Chair appointed Reps. Paul Golden, Nanci Allard, Katherine Foster, Lawrence Guay, Carl Adams, Alice Knight, Peter Stio, Calvin Warburton, Mary Bernard and Irene Domini.

Reps. Pierce and Maviglio offered the following:

HOUSE RESOLUTION NO. 4

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk as corrected by the House shall be the official record of the House, and be it further

RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

Adopted.

Reps. Morse and LaMar offered the following:

HOUSE RESOLUTION NO. 5

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary. (RSA 17-E:5)

Adopted.

Reps. Stewart and Kilbride offered the following:

HOUSE RESOLUTION NO. 6

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House subcommittee of the Committee on Legislative Facilities, fix their compensation. (RSA 17-E:5)

Adopted.

Reps. Mason and Betty Hall offered the following:

HOUSE RESOLUTION NO. 7

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance. The Subscriber List may be submitted for legislative accounting and auditing purposes, but is not for publication or sale.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation.

Adopted.

Reps. Cooke and Baldizar offered the following:

HOUSE RESOLUTION NO. 8

RESOLVED, by the House of Representatives, that the Speaker after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution canceled shall be entitled to legislative mileage for such attendance on legislative business.

Adopted.

Reps. Musler and Hynes offered the following:

HOUSE RESOLUTION NO. 9

RESOLVED, that members will be paid their Legislative salary as set by the Constitution in the month of January, 1989, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

Adopted.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only, and when the House adjourns, it be to meet Wednesday, January 4th, 1989 at 1:00 p.m.

Adopted.

The House recessed at 3:45 p.m.

RECESS

The Speaker appointed Committees as follows:

STANDING COMMITTEES OF THE HOUSE

APPROPRIATIONS

Room 100, State House

REPUBLICANS

Kidder, William F., Chm.
Hager, Elizabeth, V. Chm.
Townsend, Howard C.
LaMott, Paul I.
Boucher, Laurent J.
Gross, Caroline L.
Miller, Jeffrey C.
Steiner, Lee Anne S.
Holbrook, Robert G.
Johnson, Robert A.
Robinson, Ellen-Ann
Weymouth, Philip H.
Ward, Kathleen W.
Schotanus, Merle W.
Pearson, Ralph W.
Hall, Douglas E.

DEMOCRATS

Sanderson, Patricia O.
Matson, William R.
O'Rourke, Joanne A.
Oleson, Otto H.
Pelley, Janet R.
Nardi, Theodora P., Clerk
Pignatelli, Debora B.

CHILDREN, YOUTH AND JUVENILE JUSTICE

Room 206, Legislative Office Building

REPUBLICANS

Bean, Pamela B., Chm.
 McCain, William F., V. Chm.
 Lovejoy, Virginia K., Clerk
 Domini, Irene C.
 Bowers, Dorothy C.
 Barry, Janet G.
 Biondi, Christine A.
 Brady, Carolyn L.
 Cooke, Annette M.
 Brown, Julie M.
 Forsythe, Douglas G.
 MacKinnon, Nancy W.
 Searles, Stanley N., Sr.
 Wihby, Linda S.

DEMOCRATS

Wallner, Mary Jane
 Mayhew, Josephine
 Bell, Juanita L.
 Nordgren, Sharon L.
 Johnson, Lionel W.
 Pratt, Irene A.

COMMERCE, SMALL BUSINESS AND CONSUMER AFFAIRS

Room 207, Legislative Office Building

REPUBLICANS

Fraser, Leo W., Jr., Chm.
 Christy, C. Dana, V. Chm.
 Rodgers, G. Philip
 Packard, Bonnie B., Clerk
 Foss, Patricia H.
 Pantzer, Eugene E.
 Drolet, Paul L., Jr.
 Krueger, Richard H.
 Gourdeau, Raymond H.
 Hunt, John B.
 Bicknell, Robert C.
 Hill, Richard L.
 MacAskill, Kenneth M.
 Tolpin, Richard W.

DEMOCRATS

Arnesen, Deborah L.
 Provencal, Leo A.
 Dionne, Paul R.
 Braiterman, Thea G.
 Tsiros, William
 Fair, Patricia A.

CONSTITUTIONAL AND STATUTORY REVISION

Room 210, Legislative Office Building

REPUBLICANS

Flanagan, Natalie S., Chm.
 Holden, Carol H., V. Chm.
 Locke, Matthew J.
 Campbell, Eunice M.
 Chase, Russell C.
 Jones, Michael E.
 Warburton, Calvin, Clerk
 Granger, Guy R.
 Dube, LeRoy S.
 Lawrence, Norman B.
 McCarthy, John J., Jr.

DEMOCRATS

Dube, Ellen C.
 McGovern, Cynthia A., Asst. Clerk
 Hidalgo, Hector J.
 Gilmore, Gary R.
 Jenkins, Mary

EDUCATION

Room 202, Legislative Office Building

REPUBLICANS

Skinner, Patricia M. Chm.
 Bolduc, Dennis R., V. Chm.
 Keefe, Edmund M.
 Mason, Howard F.
 Domaingue, Jacquelyn M.
 Flint, Gordon B.
 Gilbreth, Robert M.
 Foote, Herbert N., Sr.
 Hoelzel, Kathleen M., Clerk
 Larson, Nils H., Jr.
 Laurent, John J.
 Carter, Susan D.
 Pearson, Gertrude B.
 Teague, Bert

DEMOCRATS

Long, Linda D.
 Guest, Robert H.
 Spencer, Leo J.
 Beaton, Nancy C.
 Caswell, Albert, Jr.
 Lachance, Douglas A.

ENVIRONMENT AND AGRICULTURE

Room 303, Legislative Office Building

REPUBLICANS

Greene, Elizabeth A., Chm.
 Musler, George T., V. Chm.
 Campbell, Marilyn R.
 Flanders, Harry E.
 Sherburne, John L.
 Millard, Elizabeth S.
 Olimpio, J. Lisbeth
 Sawyer, Alfred P.
 Tarpley, Nancy L.
 Dodge, A. Gibb, Jr.
 Hill, Douglas E.
 Parsons, Robert F.
 Stewart, Glenn W.
 Teschner, Douglass P.

DEMOCRATS

Popov, Elizabeth M.
 Trombly, Rick A.
 Genest, Fernand A.
 Daigle, Robert A.
 McCann, Bonnie L., Clerk
 Hall, Betty B.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Room 302, Legislative Office Building

REPUBLICANS

Powers, Gerard E., Jr., Chm.
 MacDonald, Maurice B., V. Chm.
 MacDonald, Kenneth J.
 Mace, Ada L.
 Campbell, Richard H., Jr.
 Prestipino, Bartolo V.
 Katsakiores, Phyllis M.
 Fillion, Paul R., Clerk
 Schneiderat, Catherine A.
 Gage, Beverly A.
 Dyer, Merton S.

DEMOCRATS

Dunn, Miriam D.
 Burton, Wayne M.
 Richardson, Lawrence
 King, John A.
 Drabinowicz, A. Theresa
 Kane, Cecelia D.

Goulet, Maurice E.
 Shaw, Randall F.
 Upton, Barbara A.

FISH AND GAME

Room 307, Legislative Office Building

REPUBLICANS

Perham, Lester R., Chm.
 Scanlan, David M., V. Chm.
 Smith, Gerald R., Clerk
 Felch, Charles H., Sr.
 Ford, Bert H.
 Boucher, William P.
 Kinney, Paula J.
 Magoon, Harold F.
 Klose, John F.
 Merrill, Gerald P.
 Pfaff, Terence R.
 Peters, Kenneth P.
 Young, Willard N.

DEMOCRATS

Pantelakos, Laura C.
 Dionne, Albert J.
 Brodeur, Robert J.
 Theriault, Romeo J.
 Flynn, Anita A.
 Lefebvre, Roland J.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

Room 205, Legislative Office Building

REPUBLICANS

Sochalski, Matthew M., Chm.
 Pappas, Toni, V. Chm.
 Parks, Joe B.
 Appleby, James E.
 Knight, Alice Tirrell
 Holmes, Mary C., Clerk
 Cox, Gladys M.
 Chase, Lawrence A., Jr.
 Asplund, Bronwyn L.
 Amidon, Eleanor H.
 Bennett, Shirley M.
 Foster, Robert W.
 Micklon, Stephanie K.
 Senter, Marilyn P.
 Ziegler, Alice S.

DEMOCRATS

Copenhaver, Marion L.
 Foster, Katherine D.
 Frank, Nancy G.
 Derosier, Ann M.
 MacDonald, Joseph A.
 Wheeler, Katherine W.

JUDICIARY

Room 208, Legislative Office Building

REPUBLICANS

Gage, Thomas U., Chm.
 Martling, W. Kent, V. Chm.
 Jacobson, Alf E.
 Johnson, C. William
 Lown, Elizabeth D.
 Lozeau, Donnalee M.
 Moore, Elizabeth A.
 Ford, Nancy M.
 Keans, Sandra B.

DEMOCRATS

Hollingworth, Beverly A.
 Dwyer, Patricia R.
 Eaton, Daniel A.
 Healy, Daniel J.
 Murphy, Robert E.
 Burling, Peter H.

Lockwood, Robert A.
 Jasper, Shawn N., Clerk
 Bickford, Drucilla
 Hultgren, David D.
 Record, Alice B.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Room 306, Legislative Office Building

REPUBLICANS

Hawkins, Robert S., Chm.
 Manus, Mark E., V. Chm.
 Beaupre, Roland O.
 Vanderlosk, Stanley R.
 Wells, Henry E.
 Turner, Robert H., Clerk
 Pierce, David A.
 Ritzo, Eugene
 Barberia, Richard A.
 Cote, Patricia L.
 Dow, David O.
 Elliott, Larry G.
 Eno, Larry E.
 Wright, George B.

DEMOCRATS

Reidy, Frank J.
 Guay, Lawrence J.
 Splaine, John E., Sr.
 Toomey, Daniel
 Woodburn, Jeffrey R.
 Sage, Ronald P., Jr.

LEGISLATIVE ADMINISTRATION

Room 2, Basement Legislative Office Building

REPUBLICANS

Chase, Russell C., Chm.
 Horton, Lynn C., V. Chm.
 Palumbo, Vincent J., Jr.
 Torr, Ann M.
 Kelley, Robert N.
 Benton, Richardson D.
 Lewis, Mary Ann, Clerk
 Phelps, James D.
 Holmes, Mary C.
 Parks, Joe B.
 Brungot, Catherine V.
 Domini, Irene C.
 Domaingue, Jacquelyn M.
 Flanders, John W., Sr.

DEMOCRATS

Healy, Daniel J.
 Theriault, Romeo J.
 Dunn, Miriam D.
 Bourque, Ann J.
 Soucy, Lillian E.
 Baldizar, Barbara J.

SUBCOMMITTEES

ELECTIONS

Palumbo, Vincent J., Jr., Chm.
 Horton, Lynn C.
 Torr, Ann M.

Healy, Daniel J.

ENROLLED BILLS

Lewis, Mary Ann, Chm.
 Phelps, James D.
 Holmes, Mary C.

Bourque, Ann J.

JOURNAL

Benton, Richardson D., Chm.
 Kelley, Robert N.
 Brungot, Catherine V.

Dunn, Miriam D.

MILEAGE AND ELECTRONIC ROLL CALL

Parks, Joe B., Chm.
 Domaingue, Jacquelyn M.
 Domini, Irene C.

Theriault, Romeo J.

RESOLUTIONS AND SCREENING

Palumbo, Vincent J., Jr., Chm.
 Chase, Russell C.
 Flanders, John W., Sr.

Baldizar, Barbara J.
 Soucy, Lillian E.

MUNICIPAL AND COUNTY GOVERNMENT

Room 211, Legislative Office Building

REPUBLICANS

Grodin, Richard A., Chm.
 Perry, David M., V. Chm.
 King, Roger C.
 Golden, Paul A.
 Morse, JoAnn T.
 Brungot, Catherine V.
 West, George M.
 Adams, Carl S.
 Wadsworth, Karen O., Clerk
 Allard, Nanci A.
 Brown, Lewis W.
 Metzger, Katherine H.
 Middleton, John A.
 Torr, Ralph W.

DEMOCRATS

Normandin, Kurt A.
 Dykstra, Leona
 Soucy, Lillian E.
 Baldizar, Barbara J.
 Daneault, Gabriel
 Scharff, Thomas E.

PUBLIC PROTECTION AND VETERANS AFFAIRS

Room 305, Legislative Office Building

REPUBLICANS

Benton, Richardson D., Chm.
 Welch, David A., V. Chm.
 Fields, Dennis H.
 Anderson, Carl F., III
 Anderson, Eleanor M., Clerk
 Ballou, Richard A.
 Brown, Jeffrey M.
 Daly, Robert J., Jr.
 Dumont, Robert E.
 Hunter, Bruce F.
 Pepino, Leo P.
 Riley, Frances L.

DEMOCRATS

Flynn, Edward J.
 Vincent, Francis C.
 Kuchinski, Steve
 O'Brien, John
 McDowell, James E.

PUBLIC WORKS

Room 201, Legislative Office Building

REPUBLICANS

Phelps, James D., Chm.
 Marsh, Beaton, V. Chm.
 Stio, Peter M.
 Driscoll, William J.
 Chandler, Gene G.
 Swope, Warren L.
 Schmidtchen, Rowland
 Alukonis, David J., Clerk
 Peyron, Fredrik
 Seward, Russell G.
 Brown, Channing T.
 Hinrichsen, Keith L.
 McNeerney, Daniel P.
 Wheeler, David K.

DEMOCRATS

Kincaid, William K.
 Callaghan, Robert J.
 Kilbride, Dennis J.
 Burkush, Peter A.
 Guilbert, Lionel
 Frechette, Roland A.

REGULATED REVENUES

Room 308, Legislative Office Building

REPUBLICANS

Simon, Peter M., Chm.
 Kelley, Robert N., V. Chm.
 Horton, Lynn C.
 Eaton, Clyde S.
 Delano, Robert F.
 McKinney, Betsy, Clerk
 Behrens, Thomas A.
 Bucu, Stephen W.
 Desrosiers, William J.
 Fesh, Robert M.
 Stachowske, Vicki
 Klemm, Arthur P., Jr.
 Ouellette, Robert
 Palazzo, Frank J., Sr.

DEMOCRATS

Rosencrantz, James R.
 Hynes, Carolyn E.
 Lemire, George
 Gagnon, Gabrielle V.
 Bernard, Mary E.
 Morrisette, Roland A.

RESOURCES, RECREATION AND DEVELOPMENT

Room 301, Legislative Office Building

REPUBLICANS

Dickinson, Howard C., Jr., Chm.
 Cole, Stacey W., V. Chm.
 Lewis, Mary Ann, Clerk
 Bardsley, Elizabeth S.
 Whittemore, James A.
 Conroy, Janet M.
 Smith, Leonard A.
 Young, John B.
 Avery, Stephen G.
 Buckley, C. Fitzgerald, III
 Marston, Robert E.

DEMOCRATS

Blanchard, MaryAnn N.
 Cole, Kenneth A.
 Vaughn, Charles L.
 Wall, Janet G.
 Maviglio, Steven R.
 Stamatakis, Carol M.

Remick, Barbara R.
 Roulston, Donald L.
 Wiggin, Allen R.

RULES

Room 312, State House

REPUBLICANS

Scamman, W. Douglas, Jr., Chm.
 Burns, Harold W., V. Chm.
 Palumbo, Vincent J., Jr.
 Hager, Elizabeth
 Greene, Elizabeth A.
 Foss, Patricia H.

DEMOCRATS

Chambers, Mary P.
 Matson, William R.
 Densmore, Edward

SCIENCE, TECHNOLOGY AND ENERGY

Room 300, Legislative Office Building

REPUBLICANS

Hatch, William H., Chm.
 Rodeschin, Beverly T., V. Chm.
 Randall, Kenneth A.
 Vogler, Charles C., Clerk
 Rounds, Bruce C.
 Wright, David B.
 Meserve, John H.
 Culbert, Patrick
 Harlan, Susan N.
 Rice, Thomas, Jr.
 Rosen, Ralph J.
 Tyree, Paul M.

DEMOCRATS

Spear, Susan S.
 McCarthy, Daniel M.
 Merrill, Amanda A.
 Barber, Robert E., Jr.
 Harland, Jane A.

STATE-FEDERAL RELATIONS

Room 210-A, Legislative Office Building

REPUBLICANS

Parr, Ednapearl F., Chm.
 Nichols, Avis B., V. Chm.
 Palumbo, Vincent J., Jr.
 Sochalski, Matthew M.
 Gage, Beverly A.
 Tufts, Arthur
 Wadsworth, Karen O.
 Rodeschin, Beverly T.
 Stewart, Roger
 Millard, Elizabeth S., Clerk
 Lockwood, Robert A.
 Katsakiores, George N.
 Meserve, John H.

DEMOCRATS

Matson, William R.
 Densmore, Edward
 Chambers, Mary P.
 Spear, Susan S.
 McCann, William H., Jr.
 Eaton, Daniel A.

STATE INSTITUTIONS AND HOUSING

Room 304, Legislative Office Building

REPUBLICANS

Whitcomb, Henry F., Jr., Chm.
 Tufts, Arthur, V. Chm.
 Parr, Ednapearl F.

DEMOCRATS

McCann, William H., Jr.
 Doucette, Richard F.
 Lucier, Edward A., Jr.

Messier, Irene M.
 McRae, Karen, Clerk
 Boucher, Lionel R.
 Green, Scott E.
 Apple, Lowell D.
 Hill, Michael
 Kress, Gloria W.
 Provost, Gilles R.
 Rheault, Lillian I.
 Rose, William B.

Weddle, Michael R.
 Jean, Romeo W.
 Soldati, Jennifer G.

TRANSPORTATION

Room 203, Legislative Office Building

REPUBLICANS

Gordon, Irvin H., Chm.
 Haynes, Richard L., V. Chm.
 Stewart, Roger, Clerk
 Katsakiores, George N.
 Hoar, John, Jr.
 Malcolm, Kenneth W.
 Flanders, John W., Sr.
 Klemarczyk, Thaddeus E.
 Raynowska, Bernard J.
 White, James J.
 Dodge, Emma M.
 Emerton, Lawrence A., Sr.
 Lachut, Ervin R.
 Markley, Keith

DEMOCRATS

Donovan, Francis X.
 Nelson, Harold D.
 Desrochers, Gerard T.
 Barry, William M.
 Turgeon, Roland M.
 Sullivan, Henry P.

WAYS AND MEANS

Room 204, Legislative Office Building

REPUBLICANS

Sytek, Donna P., Chm.
 Ahrens, Frederick G., V. Chm.
 Sallada, Roland A.
 Grip, Robert H.
 Saunders, Howard N.
 Hayes, Robert C.
 Stiles, Walter A.
 Cowenhoven, Garret P., Clerk
 Kurk, Neal M.
 Young, David A.
 Hardy, Earle D.
 Nichols, Avis B.
 Barry, Vivian
 Crutchley, Donald O.

DEMOCRATS

Blacketor, Paul G.
 Bourque, Ann J.
 LaMar, David M.
 Gureckis, Adam C., Sr.
 Densmore, Edward
 Rousseau, Lucien G., Jr.

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 2

Wednesday, January 4, 1989

The House assembled at 1:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

The Speaker announced that the Chaplain Committee had selected Rev. John B. McCall, pastor of the South Congregational Church of Concord, as the House Chaplain for the 1989-90 sessions of the Legislature.

Prayer was offered by Rev. McCall, House Chaplain.

Prior to my spoken prayer, I would ask you to join with me in a moment of silence in remembrance and gratitude for the life of one of our colleagues, Representative Guy Granger, who died on Friday in Nashua. Be with me please in silence.

Holy God, we gather this day with many feelings, as endings and beginnings are woven so closely together that we can scarcely tell one from the other. We know today is a time of change, as we remember the victories and defeats of yesterday, and add them to new promises and new problems which tomorrow holds.

Grant us new strength as well, O powerful Creator, we who remain and who will continue to labor in this chamber. Grant us a sense of purpose and of vision. Help us to be people of hope when so many seem to despair, and lead us, above all, to be faithful to those we represent. Amen.

Rep. Sallada led the Pledge of Allegiance

Martha Sanderson, daughter of Rep. Sanderson, sang "The Star Spangled Banner" accompanied by Charlie Williams of Portsmouth.

LEAVES OF ABSENCE

Reps. Rheault, Parsons, Eaton, Braiterman, Drake, Ahrens, Copenhaver and Cote, the day, important business.

INTRODUCTION OF GUESTS

Mrs. Greta Whittemore, wife of Rep. Whittemore; Catherine Larson of Sarasota, FL and Anne Larson, mother and wife of Rep. Larson; Mrs. Louise Audette, Mrs. Ruth Lee Bart, Mr and Mrs. David Newell, all members of the, late Rep. Benjamin Newell's family, guests of Rep. Lovejoy; former Representative Alec Koromilas of Dover, guest of Rep. Lachance of Barrington; Mrs. Fred Nahil of Grantham, and her daughter, Jennifer Jenkins of Manchester, and Kim Hartman of Bedford, guests of Rep. Jenkins; Rita Runnoe of Wisconsin, guest of Rep. Hinrichsen; Katherine Chase, wife of Rep. Russell Chase.

COMMUNICATION

James A. Chandler
House Clerk

Dear Mr. Chandler,

This is to advise that the following representatives-elect were sworn into office by the Governor and the Executive Council on December 21, 1988:

Hillsborough County District No. 23

William H. Hatch, r&d, Nashua (7 Ferncroft Drive) 03063

Alice B. Record, r, Nashua (76 Beauview Avenue) 03060

Merrimack County District No. 5

Susan D. Carter, r, Bow (8 Birch Tree Lane) 03301

Rockingham County District No. 20

Stephen W. Bucu, r, Salem (43 Crestwood Circle) 03079

Strafford County District No. 11

Sandra B. Keans, r, Rochester (1 Sweetbriar Lane) 03867

Hillsborough County District No. 19

G. Philip Rodgers, r, Hudson (15 Lindsay Street) 03051

Sincerely,

Karen H. Ladd

Assistant Secretary of State

James A. Chandler

House Clerk

Dear Mr. Chandler,

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on December 28, 1988:

Rockingham County District No. 9

LeRoy S. Dube, r, Plaistow (12 North Avenue) 03865

Sincerely,

Paula S. Penney, Administrative Assistant

Secretary of State's Office

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention for the purpose of canvassing the votes for Governor and Councilors, and attending to the Exaugural Address by his Excellency the Governor, John H. Sununu.

Adopted.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended as to permit consideration on third reading, and final passage at the present time of HB 152, legalizing a special town meeting of the town of Littleton.

Adopted by the necessary two-thirds.

Reps. Ward, Whitcomb and Hill moved that HB 152 be passed at the present time.

Rep. Ward explained the bill.

Rep. Grodin spoke in favor of the motion.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 152, legalizing a special town meeting of the town of Littleton.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 10 through 99, 101 through 151 and Constitutional

Amendment Concurrent Resolution numbered 2, and House Bill of Intent numbered 2001, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACR and HBI

First, second reading and referral

HB 10, relative to legalizing the March 30, 1987, Conway Village Fire District meeting. (Allard of Carroll Dist. 2 - To Municipal and County Government)

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. (Kidder of Merrimack Dist. 2 - To Appropriations)

HB 12, relative to rulemaking of the pesticide control board of the department of agriculture. (Townsend of Grafton Dist. 13 - To Environment and Agriculture)

HB 13, relative to catering licenses for serving alcoholic beverages outside. (Campbell of Rockingham Dist. 20 - To Regulated Revenues)

HB 14, relative to legalizing the Epping town meeting of March, 1988. (Hoar of Rockingham Dist. 6 - To Municipal and County Government)

HB 15, repealing certain laws relative to measuring wood. (Millard of Merrimack Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 16, relative to advertising potatoes. (Campbell of Rockingham Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 17, changing the language of the oath administered to petit jurors in criminal cases. (Johnson of Merrimack Dist. 5 - To Judiciary)

HB 18, decriminalizing adultery. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 19, regarding the use of the hazardous waste cleanup fund. (Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 20, authorizing investigators to photograph hazardous waste sites. (Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 21, relative to school administrative units. (Skinner of Rockingham Dist. 21 - To Education)

HB 22, repealing an act relative to the Beaver Brook flood control project. (Cole of Cheshire Dist. 3 - To Resources, Recreation and Development)

HB 23, reviving the charter of the Sportsmen's Club of Wolfeboro, New Hampshire. (Chase of Carroll Dist. 6 - To Constitutional and Statutory Revision)

HB 24-FN-A, relative to the bicentennial commission and making an appropriation therefor. (Chase of Carroll Dist. 6 - To Appropriations)

HB 25, relative to surrogate parenting contracts. (Green of Hillsborough Dist. 36 - To Judiciary)

HB 26-FN, relative to license plates for retired veterans. (Asplund of Merrimack Dist. 10 - To Transportation)

HB 27, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow. (Stio of Merrimack Dist. 5; Johnson of Merrimack Dist. 5 - To Fish and Game)

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover. (Frechette of Strafford Dist. 8; Kincaid of Strafford Dist. 7 - To Transportation)

HB 29, relative to liquor laws. (Behrens of Sullivan Dist. 3 - To Regulated Revenues)

HB 30-A, relative to the police standards and training council facility and making an appropriation therefor. (Benton of Rockingham Dist. 5 - To Public Works)

HB 31, recodifying the laws pertaining to the elderly. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 32-A, relative to the Hampton seawall and making an appropriation therefor. (Parr of Rockingham Dist. 17 - To Public Works)

HB 33, prohibiting ski craft on Stinson Lake in the town of Rumney. (Lewis of Merrimack Dist. 5 - To Transportation)

HB 34, correcting references in the law relating to the division of water resources. (Lewis of Merrimack Dist. 5; McCann of Strafford Dist. 7; King of District 2 - To Resources, Recreation and Development)

HB 35, repealing certain provisions of law relating to the division of water resources. (Lewis of Merrimack Dist. 5; Conroy of Rockingham Dist. 7 - To Resources, Recreation and Development)

HB 36, relative to library records confidentiality. (Skinner of Rockingham Dist. 21 - To State Institutions and Housing)

HB 37, relative to the taking of raccoons. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; McCann of Strafford Dist. 7 - To Fish and Game)

HB 38, increasing the legal length of lobster. (Dickinson of Carroll Dist. 2; Drake of Rockingham Dist. 18 - To Fish and Game)

HB 39, relative to the distribution of OHRV fees. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 40, relative to intrastate motor carriers. (Haynes of Rockingham Dist. 9 - To Transportation)

HB 41, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 42, relative to actuarial review of rate filings. (Christy of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 43, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation. (Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 44, relative to confidentiality of certain information filed with the insurance commissioner. (Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 45, to increase the age limit relative to the motor vehicle child restraint requirement. (Green of Hillsborough Dist. 36 - To Children, Youth and Juvenile Justice)

HB 46, requiring notice of applications for approval of plans for a subdivision or a waste disposal system which contain waiver request. (Dickinson of Carroll Dist. 2; Bardsley of Merrimack Dist. 1; Wall of Strafford Dist. 4; Avery of Cheshire Dist. 5 - To Resources, Recreation and Development)

HB 47, relative to the Monadnock advisory commission. (Matson of Cheshire Dist. 7 - To Municipal and County Government)

HB 48, making English the official language of the state. (Raynowska of Rockingham Dist. 20; Roulston of Rockingham Dist. 20 - To Education)

HB 49, prohibiting ski craft on Rust Pond, Lake Wentworth and Crescent Lake in the town of Wolfeboro. (Chase of Carroll Dist. 6 - To Transportation)

HB 50, exempting the department of transportation from the authority of the director of information services. (Pearson of Belknap Dist. 5 - To Executive Departments and Administration)

HB 51, relative to a vehicle width on certain highways. (Pearson of Belknap Dist. 5 - To Transportation)

HB 52, relative to rail accident reporting requirements. (Pearson of Belknap Dist. 5 - To Transportation)

HB 53, relative to syringes for diabetics. (Chase of Rockingham Dist. 28 - To Health, Human Services and Elderly Affairs)

HB 54, adding a member to the water well board. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)

HB 55, prohibiting the use and operation of ski craft on Country Pond in the towns of Kingston and Newton. (Welch of Rockingham Dist. 10 - To Transportation)

HB 56-FN-A, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor. (Bardsley of Merrimack Dist. 1; Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 57-FN-A, appropriating funds to the department of agriculture to continue work on the Eastern States Building. (Steiner of Hillsborough Dist. 33 - To Environment and Agriculture)

HB 58-FN-A, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 59, changing the name of the New Hampshire vocational-technical college education system. (LaMott of Grafton Dist. 5 - To Education)

HB 60, relative to pronouncement of death by nurses. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 61, relative to accessibility of vital records. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 62-FN, adding administrative fines to the laws relative to auctioning and shipping livestock. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 63-FN, relative to equine infectious anemia. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 64-FN, requiring rabies shots for cats. (Millard of Merrimack Dist. 4 - To Public Protection and Veterans Affairs)

HB 65-FN, adding administrative fines to certain provisions of the agriculture laws. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 66, removing the exemption of health maintenance organizations from certain laws. (Foss of Strafford Dist. 10; Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 67, specifying the rulemaking authority of the commissioner and the directors of the department of environmental services. (Dickinson of Carroll Dist. 2; Buckley of Coos Dist. 2 - To Executive Departments and Administration)

HB 68, relative to certain division directors of the department of environmental services. (Roulston of Rockingham Dist. 20; Young of Strafford Dist. 10; Avery of Cheshire Dist. 5 - To Executive Departments and Administration)

HB 69, relative to highway vending facilities operated by the blind. (Sochalski of Rockingham Dist. 23 - To Transportation)

HB 70-A, increasing the appropriation for constructing regional vocational education centers. (Robinson of Hillsborough Dist. 12; Krueger of Sullivan Dist. 6; Pantzer of Merrimack Dist. 11; Smith of Hillsborough Dist. 21; Charbonneau of Dist. 14; Dupont of Dist. 6; Disnard of Dist. 8 - To Public Works)

HB 71, relative to the department of education. (Skinner of Rockingham Dist. 21 - To Education)

HB 72, relative to delays in civil proceedings caused by attorneys. (Seward of Rockingham Dist. 3 - To Judiciary)

HB 73, relative to legal actions involving real estate. (Seward of Rockingham Dist. 3 - To Judiciary)

HB 74, extending the time for the filing of a report by the municipal charter study committee. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 75, repealing a provision allowing probation-parole officers to carry firearms. (Ward of Grafton Dist. 1; McCain of Rockingham Dist. 11 - To Public Protection and Veterans Affairs)

HB 76-FN, relative to hearings on tax abatements for property taxes. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 77-FN, relative to the pharmacy board. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 78-FN, requiring correctional line personnel to have major responsibility for security for group II retirement purposes. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 79-FN, requiring registration fees and classification fees for certain unregistered dams. (Young of Strafford Dist. 10 - To Resources, Recreation and Development)

HB 80-FN, relative to land under the jurisdiction of the wetlands board. (Bardsley of Merrimack Dist. 1; McCann of Strafford Dist. 7; Dickinson of Carroll Dist. 2; Wall of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 81-FN, relative to dam permitting authority. (Dickinson of Carroll Dist. 2; Bardsley of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 82-FN, relative to the police standards and training council. (Flanders of Rockingham Dist. 10; Palumbo of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HB 83-FN, relative to employer reimbursements and the New Hampshire retirement system board of trustees. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 84-FN, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 86-FN, relative to employer remittances to the New Hampshire retirement system. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 87-FN, relative to group II accidental disability allowances. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 88-FN, relative to weights and measures. (Millard of Merrimack Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 89-FN, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams. (Blanchard of Rockingham Dist. 26; McCann of Strafford Dist. 7; Preston of Dist. 23; Delahunty of Dist. 22 - To Resources, Recreation and Development)

HB 90-FN, relative to distribution of the Carl Perkins grant. (LaMott of Grafton Dist. 5; Skinner of Rockingham Dist. 21; O'Rourke of Hillsborough Dist. 35 - To Education)

HB 91-FN, relative to vocational training and technical education programs. (LaMott of Grafton Dist. 5 - To Education)

HB 92-FN, imposing liens on certain nursing homes. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 93-FN, relative to the board of nursing. (Torr of Strafford 6 - To Executive Departments and Administration)

HB 94-FN, relative to pre-admission screening for nursing homes. (Copenhaver of Grafton Dist. 12 - To Health, Human Services and Elderly Affairs)

HB 95-FN, relative to eligibility criteria for AFDC recipients. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 97-FN, relative to eligibility for public assistance. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 98-FN, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 99-FN, relative to establishing a uniform fine schedule for fish and game law violations. (Perham of Hillsborough Dist. 10 - To Fish and Game)

HB 101-FN, relative to budgetary transfer authority of the department of health and human services. (LaMott of Grafton Dist. 5; Nardi of Hillsborough Dist. 35; Nelson of Dist. 13; Magee of Dist. 12 - To Health, Human Services and Elderly Affairs)

HB 102-FN, relative to the department of libraries, arts and historical resources. (Hawkins of Belknap Dist. 5 - To State Institutions and Housing)

HB 103-FN, relative to motor vehicle laws. (Gordon of Cheshire Dist. 5; Haynes of Rockingham Dist. 9 - To Transportation)

HB 104-FN, relative to common and contract carriers. (Flanders of Rockingham Dist. 10 - To Transportation)

HB 105-FN, relative to licensing lay-midwifery. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 106-FN, transferring regulation of crematories from the division of public health services to the board of registration of funeral directors and embalmers.

(Sochalski of Rockingham Dist. 23 - To Executive Departments and Administration)

HB 107-FN, relative to food service licensure. (Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 108-FN, licensing massage practitioners and massage establishments. (Sochalski of Rockingham Dist. 23 - To Executive Departments and Administration)

HB 109-FN, relative to physicians and dentists in the department of health and human services and the department of corrections. (Sochalski of Rockingham Dist. 23 - To Executive Departments and Administration)

HB 110-FN, relative to low and moderate income housing. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 111, relative to moorings. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 112-FN, relative to enforcing the boating laws. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 113-FN, to define certain police trainers as permanent policemen for retirement system purposes. (Hawkins of Belknap Dist. 5; MacDonald of Carroll Dist. 6 - To Executive Departments and Administration)

HB 114-FN, allowing the district courts to approve petitions for services other than counsel. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 115-FN, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 116-FN, relative to frivolous claims or denials of workers' compensation awards. (MacDonald of Rockingham Dist. 7 - To Labor, Industrial and Rehabilitative Services)

HB 117-FN, relative to feeding garbage to swine. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 118, relative to collision damage waiver. (Drolet of Hillsborough District 8; Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 119-FN, making technical changes in certain revenue statutes for the department of revenue administration. (Matson of Cheshire Dist. 7 - To Ways and Means)

HB 120-FN, increasing the amount available for suggestion and incentive awards to state employees. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 121-FN, regarding position reclassification and retroactive pay. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 122-FN, relative to concession contracts at certain state facilities. (Matson of Cheshire Dist. 7 - To Resources, Recreation and Development)

HB 123-FN, relative to the office of securities regulation. (Pantzer of Merrimack Dist. 11; McCain of Rockingham Dist. 11; Packard of Hillsborough Dist. 15; Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 124-FN, relative to the annual fee for issuers of open-end mutual funds and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers. (Pantzer of Merrimack Dist. 11; McCain of Rockingham Dist. 11; Packard of Hillsborough Dist. 15; Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 125-FN, relative to securities registration statements and the investigatory fund of the office of securities regulation. (Pantzer of Merrimack Dist. 11; McCain of Rockingham Dist. 11; Packard of Hillsborough Dist. 15; Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 126-FN, relative to salaries in the department of environmental services. (Sherburne of Rockingham Dist. 2 - To Executive Departments and Administration)

HB 127-FN, increasing fees for laboratory services. (Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 128-FN, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations. (Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 129-FN, establishing fees for reviewing plans to dredge and creating new classified positions. (Smith of Hillsborough Dist. 21 - To Resources, Recreation and Development)

HB 130-FN, requiring certification of operators of pollution control facilities. (Cole of Cheshire Dist. 10; Marston of Strafford Dist. 6 - To Resources, Recreation and Development)

HB 131-FN, relative to protective well radii for private water wells. (Bardsley of Merrimack Dist. 1; Remick of Rockingham Dist. 17; Dickinson of Carroll Dist. 2; Conroy of Rockingham Dist. 7; Wall of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 132-FN, relative to the division of water supply and pollution control enforcement orders. (Avery of Cheshire Dist. 5; Wall of Strafford Dist. 4; Conroy of Rockingham Dist. 7; Cole of Cheshire Dist. 3 - To Resources, Recreation and Development)

HB 133-FN, relative to the aircraft financial responsibility act. (Dwyer of Hillsborough Dist. 41 - To Commerce, Small Business and Consumer Affairs)

HB 134-FN, relative to the deaf and hearing impaired. (Sochalski of Rockingham Dist. 23 - To Education)

HB 135-FN, relative to school administration. (Skinner of Rockingham Dist. 21 - To Education)

HB 136-FN-A, relative to education in unorganized places and making an appropriation therefor. (Horton of Coos Dist. 4; Bond of Dist. 1 - To Education)

HB 137-FN-A, relative to an educational resources and learning center and making an appropriation therefor. (Bolduc of Belknap Dist. 10 - To Education)

HB 138-FN, providing for a supportive employment program and for an independent living program. (Sochalski of Rockingham Dist. 23 - To Education)

HB 139-FN-A, establishing a fair hearings office administratively attached to the department of education and making an appropriation therefor. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; Freese of Dist. 4; Nelson of Dist. 13 - To Executive Departments and Administration)

HB 140-FN, relative to delinquent children and children in need of services. (Pignatelli of Hillsborough Dist. 31 - To Children, Youth and Juvenile Justice)

HB 141-FN, relative to liability of parents for expenses. (Pignatelli of Hillsborough Dist. 31; Bond of Dist. 1 - To Children, Youth and Juvenile Justice)

HB 142-FN, relative to liability of expenses for the support and necessities of minors. (Pignatelli of Hillsborough Dist. 31; Bond of Dist. 1 - To Children, Youth and Juvenile Justice)

HB 143-FN-A, making appropriations to the division for children and youth services for juvenile services. (Wallner of Merrimack Dist. 18 - To Children, Youth and Juvenile Justice)

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor. (Wadsworth of Grafton Dist. 13 - To Children, Youth and Juvenile Justice)

HB 145-FN, making name and definitional changes relative to children and youth services. (Pignatelli of Hillsborough Dist. 31 - To Children, Youth and Juvenile Justice)

HB 146-FN, relative to the milk standard. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 147-FN, relative to commercial driver licensing. (Gordon of Cheshire Dist. 5; Haynes of Rockingham Dist. 9 - To Transportation)

HB 148-FN, relative to relocation assistance and real property acquisition. (Pearson of Belknap Dist. 5 - To Public Works)

HB 149-FN, relative to operational permits for public water systems. (Marston of Strafford Dist. 6; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 150-FN, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws. (Spear of Cheshire Dist. 13; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 151-FN-A, continually appropriating revenue from certain OHRV fines. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

CACR 2, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. (Granger of Hillsborough Dist. 13; Barberia of Merrimack Dist. 6; Parr of Rockingham 17 - To Constitutional and Statutory Revision)

HBI 2001, relating to mandatory prison sentences for certain felons. (Gilbreth of Merrimack Dist. 12 - To Judiciary)

RECESS

JOINT CONVENTION

(Speaker presiding)

Sen. Dupont and Rep. Palumbo offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the return of votes for Governor and Councilors.

Adopted.

William M. Gardner, Secretary of State, appeared before the joint convention and laid the return of votes for Governor and the Executive Councilors cast in the General Election held November 8, 1988, as follows:

FOR GOVERNOR

	Gregg, r	McEachern, d	Wilson, lib
Belknap	13,501	7,512	133
Carroll	12,423	5,210	69
Cheshire	14,178	12,903	67
Coos	8,667	4,725	47
Grafton	18,739	11,176	130
Hillsborough	86,588	45,098	732

Merrimack	28,604	19,695	222
Rockingham	57,320	41,498	605
Strafford	18,496	18,272	169
Sullivan	8,550	6,454	42
Totals	267,066	172,543	2,216

Judd Gregg, having a plurality of 94,511 votes, was elected Governor.

FOR EXECUTIVE COUNCILORS

First District

Raymond S. Burton, r&d	81,139
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Second District

Peter J. Spaulding, r	49,636
Patricia A. Schaffer, d	28,940
Plurality for Spaulding	20,696

Third District

Ruth L. Griffin, r	52,019
Burton J. Cohen, d	31,960
Plurality for Griffin	20,059

Fourth District

Earl A. Rinker III, r	43,120
Lou D'Allesandro, d	38,916
Plurality for Rinker	4,204

Fifth District

Bernard A. Streeter, Jr.	49,583
Nancy Richards-Stower, d	33,309
Plurality for Streeter	16,274

Sen. Dupont and Rep. Palumbo offered the following:

RESOLVED, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Chair appointed Reps. Healy and Greene, and Sen. Blaisdell.

EXAUGURAL ADDRESS

Governor John Sununu presented his Exaugural Address. Julia Barnwell acted as interpreter for the deaf and hearing impaired.

Mr. Speaker, Mr. Senate President, Honorable Members of the General Court:

Thank you for the opportunity to address you once again from this rostrum in what has come to be a New Hampshire tradition of executive transition.

Approximately six years ago, on a snowy day, I stood in these chambers and enjoyed the honor and privilege of being sworn in as Governor of this great state. Since then, these past six years have been the most gratifying, most satisfying years of my life and I thank the citizens of New Hampshire for the privilege of those three terms of service.

To you, the House and Senate, and to each of you individually, I extend my thanks and appreciation for the cooperation and support which allowed us to be so successful as a state.

Together we can look back with pride at our successes in dealing with the needs of our citizens. Those successes reflect the quality of planning, the give and take of ideas generated by working together, and the enormous effort that produced the policies, legislation, and budgets that served us well

The cooperation, support, and leadership provided by Speaker Scamman and Senate President Bartlett and their predecessors, Speaker Tucker and Senate President Roy, helped make the difference.

You all are aware and I hope equally proud of the achievements of those years. In that period we have rebuilt all our institutional facilities and services, expanded our support and commitment to education, and developed state-of-the-art modern programs to deal with critical areas of health, education and social services. Our efforts have also targeted our needs for the future: our 10-year highway plan, our land trust, our support for water and sewer systems and of course, our institutionalizing of an effective, responsive system for fiscal management.

We have met our responsibilities by converting the deficit of six years ago to a continuity of surpluses. And yet we realize that to continue that measure of success requires a constant effort and discipline. The current margin projected to the end of fiscal year 1989 is a bit over 10 million dollars. To maintain any positive margin we must continue to be vigilant and prudent in the operation of government.

I am certain you as a legislative body and my fine successor will continue that dedication and focus. With that help and guidance our departments and agencies can work through the last half year of this biennium with the day-to-day discipline necessary to maintain our fiscal integrity.

Certainly the effective cooperation between our executive branch, including the Council, and the legislative branch was significant reason for all these achievements. But truly little could be accomplished without the support of New Hampshire's greatest asset, the citizens of our state.

Their character and spirit provide the social and political environment which make New Hampshire so unique.

It is their character and spirit that has produced our great history and our enviable traditions.

It is our citizens who have established the environment and structure which allows us to govern more efficiently and effectively. Their independence, strength, and sense of unity define that wonderful relationship among our citizens, our communities and state government.

As you consider the legislative initiatives that allow us to meet our ever-changing needs and responsibilities there are some bedrock New Hampshire principles and axioms which echo in your debates:

Local controls

No sales tax or income tax ... the pledge

Citizen legislature

Local support ... local boards

Public-private partnerships

Volunteerism

Contrary to the self-styled experts who do not understand just how this chemistry works, and who yearn to change this most effective system, these principles are the basic 'stuff' of which our unique success is made.

It is amazing what sweet rhetoric comes forth arguing to change or weaken one or another of these basic tenets. Without fail, those misdirected arguments mask a long-term erosion of the structure behind the tempting, tantalizing gratification of short-term political gain.

So far, we have resisted.

So far, we have persevered where other states, to their regret, have yielded.

If I may, therefore, leave you with one admonition distilled from the experience of these six wonderful years: stand firm. Our New Hampshire traditionalism is a marvelous blend and pattern for responsive government. Do not let it fray, for once unravelled, it is virtually impossible to reweave that wondrous fabric.

These six years have truly been the most rewarding undertaking I have ever had the privilege to experience. The opportunity to serve, coupled with the satisfaction of achievement, is a great reward indeed and again, I thank you all for that privilege and your help.

I would, however, be remiss if I did not acknowledge and express my appreciation for the marvelous opportunities and memories which, taken together, have been among the great dividends which come with service as Governor. The regular, daily travels around the State, that are among the nicest of responsibilities of the office, have provided a scrapbook of memories which frame my tenure as Governor.

But even more, those memories are a continuing reminder of our pride in New Hampshire and all that is right.

No matter where I go or what may come next, virtually nothing can ever match the great view and feeling which come from standing on the brow of the Old Man of the Mountain in Franconia Notch.

Or the tingle that comes when skies clear up and Mount Washington frames the picture postcard vista in Bretton Woods.

Or the awe of nature's might that follows in the winds of a storm along our short but precious seacoast.

Or the recurring sense of history and tradition I felt in meeting with volunteers on the well-kept greens and squares of our cities and towns.

Or the amazing contrast of summer's clean blue waters and winter's firm expanse of ice that mark the year-round wonder of our lakes and rivers.

Or the sense of opportunity seen and opportunity taken while walking through the Nash Stream acreage of our wonderful parks.

Or the sense of continuity and tradition that goes with service in the great Concord State House.

Being Governor of New Hampshire is all those and more.

Together they frame the work and the joy of my years in the corner office. Together they define why we all accept our challenge to serve the state.

And, of course, together they make it clear that New Hampshire is the greatest place to live, to raise a family, and to work.

Finally, I have a confession to make ... not only will I miss New Hampshire, I will also miss you ... all 424 of you. I know I will be working now with another large legislature in another large city, but I am sure that our efforts here together, will help me in that job as well. You all, in fact, have made me the pussycat that I am.

Nancy and I, and all our children, are grateful for the privilege you have given us these past six years. We look ahead to the challenge of the next few years with

mixed emotions, but the clearest of our visions is that New Hampshire is our home and always will be.

To all of you, from the bottom of our hearts, Godspeed, and of course, thank you New Hampshire.

Sen. Dupont and Rep. Palumbo moved that the Joint Convention arise.

Adopted.

RECESS

(Speaker in the Chair)

Reps. Palumbo and Chambers offered the following:

HOUSE RESOLUTION NO. 13

adopting amendments to the House Rules as proposed by the
Rules Committee and fixing January 31, 1989,
as the date through which House Rules
may be amended by majority vote.

WHEREAS, the House voted on December 7, 1988, to adopt the Rules as amended of the 1988 Session on a temporary basis and that it would fix the date through which amendments could be made by majority vote on January 4, now therefore be it

RESOLVED, that the rules of the House, with the amendments as proposed by the Rules Committee, be adopted and said Rules as amended may be amended by majority vote through January 31, 1989.

Adopted.

Rep. Palumbo moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, and when the House adjourns today, it be to meet Thursday, January 5 at 10:30 a.m.

Adopted.

The Derry delegation offered the following:

HOUSE RESOLUTION NO. 11

memorializing former State Representative Benjamin C. Newell of Derry

WHEREAS, we have learned with great sorrow of the death of former State Representative Benjamin C. Newell, who between 1979 and 1988 was elected to five consecutive terms in the New Hampshire House, and

WHEREAS, during his tenure as an honorable servant of the people of Derry, Benjamin C. Newell was an esteemed member of the Standing Committees on Constitutional and Statutory Revision, and Science and Technology, and

WHEREAS, as a native of Derry, New Hampshire, Benjamin C. Newell chose to live his entire life in the town of his birth, devotedly giving to the community his service and energy as a Selectman, member of the Planning Board and member of the Conservation Committee, and

WHEREAS, Benjamin C. Newell was an historian and author, and was deeply interested and active in the continued care and maintenance of the Derry Central Congregational Church clock, and

WHEREAS, having graduated as a engineer from Cornell University Benjamin C. Newell was employed thirty years by the Polaroid Company, becoming a specialist in production engineering for the firm's secret manufacturing processes, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Benjamin C. Newell be given the highest praise and publicly lauded for his service as a State legislator and community leader, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted.

**SENATE MESSAGE
CONCURRENCE**

HB 152, legalizing a special town meeting of the town of Littleton.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:10 p.m.

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 3

Thursday, January 5, 1989

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, the Rev. John B. McCall.

Abiding and Creating Spirit, as we gather today, we first ask your blessing upon our Governor, Judd Gregg, and pray that you will guide him with passion and compassion.

We come now filled with joy and with apprehension, preparing to address many responsibilities. It feels like the first moments of a race. Some of us are sprinters who will leave the blocks with a flurry of energy, setting the pace, at least for a while. Others are like long-distance runners who move with more measured pace. And we are always accompanied by those who warm the benches, or who coach from their easy chairs.

Remind us that this team on which we all serve needs every gift we can offer. Help us to know ourselves, our strengths and our shortcomings. Teach us to pace ourselves so that we do not become weary during the first lap.

And with this new beginning, make us able to labor and to rejoice in the gift of life and of service. Amen.

Rep. Doucette led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. William Boucher, Rheault, Normandin, Ahrens, Drake, Braiterman, Daniel Eaton, Parsons, Dunn, Stamatakis, Rodgers, Mason, and Copenhaver, the day; important business.

Reps. Gross, Moore, Cote and Hollingworth; the day, illness.

Rep. Soldati, the day; death in the family.

Rep. Emma Dodge, the day; illness in the family.

INTRODUCTION OF GUESTS

Mary Hoit McNerney, wife of Rep. McNerney; Elaine Emerton, wife of Rep. Emerton of Goffstown; Frank Dunn, guest of Rep. Sochalski; Wayne McDonald, guest and nephew of Rep. Maurice MacDonald; Helen West and Nancy West, wife and daughter-in-law of Rep. West; Gretchen, Brent and Kerri Lynn Delano and Roland Rachine, grandchildren of Rep. Delano; Professor Douglas L. Wheeler, husband of Rep. Katherine W. Wheeler; Edna Hunter, wife of Rep. Hunter, Goffstown; Senior Master Sergeant Carl Anderson, Air National Guard, father of Rep. Carl Anderson; Winthrop Wells of Sandown, brother of Rep. Wells; David Cheney, Cheshire County Republican Chairman, Simon Haberman, guests of Rep. Gordon.

ENROLLED BILLS REPORT

HB 152, legalizing a special town meeting of the Town of Littleton.

Rep. James D. Phelps

Sen. David P. Currier

For the Committee

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Honorable Senate in Joint Convention for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Councilors and the Inauguration of the Governor-elect, the Honorable Judd Gregg.

Adopted.

RECESS

JOINT CONVENTION

(Speaker presiding)

INTRODUCTION AND SEATING OF SPECIAL GUESTS

The Sergeant-at-Arms introduced the following, who were escorted to their seats by the Governor's Military Staff; Major General Lloyd M. Price, Adjutant General, Chief of Staff; Captain Kevin J. Crowley, Major Raymond V. Rogers, Major William H. Estey, 2nd Lieutenant Karen L. Larson, Commander William M. Golding, Captain Walter D. Kilian, Lieutenant Colonel Paul M. Mayette, Lieutenant Colonel John J. Prowse, Major John Croteau, Jr., Major Francis L. Cramer, Lieutenant Commander David Gregg, and Major Cyrus Gregg, Aides-de-Camp.

The Honorable Shane Devine, Chief Justice of the United States District Court; Judge Martin Loughlin; the Honorable Richard P. Dunfey, Chief Justice of the Superior Court; the Associate Justices of the Superior Court: Charles Contas, Robert Dickson, Vincent Dunn, Margaret Flynn, Frederick Goode, George Manias, Linda Dalanias, Joseph DiClerico, Jr., Douglas Gray, Kenneth McHugh, Joseph Nadeau, Robert Temple, Walter Murphy, William O'Neil, Peter Smith, William Groff, Philip Mangones, Bruce Mohl, Harold Perkins, James Barry, and James O'Neill, III; the Honorable David Brock, Chief Justice of the Supreme Court and Mrs. Brock; the Associate Justices of the Supreme Court: William F. Batchelder, David H. Souter, William R. Johnson, and W. Stephen Thayer, III.

Former Governor John H. Sununu and his wife, Nancy; former Governor Meldrim Thomson, Jr.; former Governor Walter Peterson and his wife Dorothy; former Governor John King and his wife, Anna; former Governor Hugh Gregg and his wife, Catherine, father and mother of Governor-elect Judd Gregg.

Mrs. Gordon Humphrey; former Congressman James Cleveland and his wife Hilary; former Congressman Norman D'Amours and his wife Helen; Congressman Charles Douglas; Indiana Congressman John Hiler and his wife.

Stella Scamman, wife of the Speaker of the House; Lee Bartlett, wife of the President of the Senate; Mrs. Kathy Gregg and the family of the Governor-elect.

Attorney General Stephen M. Merrill; State Treasurer Georgie A. Thomas; Secretary of State William A. Gardner; Deputy Speaker and Mrs. Harold Burns; House Majority Leader Vincent J. Palumbo; House Minority Leader Mary P. Chambers; Assistant Majority Leader James D. Phelps; Deputy Minority Leader William R. Matson; Majority Whip Ann M. Torr; Minority Whip Edward Densmore.

The Reverend Clergy; the Honorable Senate; the Council-elect, the Honorable Raymond Burton, the Honorable Peter Spaulding, the Honorable Ruth Griffin,

the Honorable Earl Rinker, and the Honorable Bernard Streeter; the Honorable President of the Senate William Bartlett; the Honorable Judd Gregg Governor-elect.

Sen. Blaisdell and Reps. Healy and Greene offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors, reports that it has attended to its duties, and the vote is correct.

The New Hampshire National Guard posted the Colors followed by the singing of the National Anthem by Jane Hively of Conway.

An Invocation was offered by the Reverend Daniel Osgood of the Union Congregational Church, Greenfield.

You, O Lord, are the God of yesterday and all that is past, the God of today and all that is now, and the God of tomorrow and all that is yet to be. We who live today are the product of the past and a part of the future and we look to you as our beginning and our end.

We cherish the rich heritage of this our state, and we ask that you, O God, alert us to the contemporary meaning of our history and traditions. We seek not to live in the past but by your grace to let the best of our past live through us that we may be your people today and all days.

We are grateful for this occasion to inaugurate our new governor, Judd Gregg. Bless Judd and Kathy and their children. May all their days be filled with contentment, joy, and love.

Grant to Governor Gregg, and all leaders of our state, insight, patience, understanding and courage. Look with grace upon them as they face the tremendous responsibility of government.

We thank you, God:

for the hope of a better world

for the resources to improve our lives

for the contributions of those now gone

for the challenges that lie ahead

and for all that enriches our lives here in the State of New Hampshire.

In Spirit and in truth, be present among us as we gather for this special occasion. Amen.

Chief Justice David Brock administered the oath of office to Governor-elect Judd Gregg and presented him with a copy of the State Constitution.

A prayer for Peace and Thanksgiving was offered by Rev. Dr. Nicholas V. Gamvas, Pastor, Assumption Greek Orthodox Church, Manchester:

Almighty God, we thank You for the rich heritage of New Hampshire, for the majesty of her mountains, for the quiet beauty of her meadows and fields, for the singing symphonies of her woodlands, and for the fury of the seas which storm her shores.

We thank You God for the men and women who, by blood, sweat, and tears, sacrificed for all that we hold so dear — and may we never lightly esteem what they obtained at a great price. This past year has been a year of some of the worst disasters that the world has ever known. In this time of terrorism and political unrest around the world, we pray for peace amongst all peoples.

We pray for our Governor, Judd Gregg, those in authority, and the backbone of this great nation, the countless millions who see freedom, not as the right-to-do as we please, but as the opportunity to please to do what is right.

We thank You God, for Governor Gregg's past record of leadership and devotion of the people of New Hampshire, for the inspiration of his example, and for the faith, support, and loyalty, of his wife Kathy and his family. Lord, put Your arms around our new Governor Judd Gregg and give him the strength for the task ahead, and look with favor upon the State of New Hampshire.

On this historic inaugural day we look to the inspiration that breathes in the memory of the founding fathers of New Hampshire, and we pray that something of the spirit that was theirs, may be in our hearts - malice towards none and charity for all. Amen.

The Governor administered the oath of office to the Honorable Councilors-elect.

The Governor delivered his Inaugural Address as follows, with Ellen Koenig acting as interpreter for the deaf and hearing impaired.

Mr. Speaker, Mr. President, Mr. Chief Justice, Members of the Council, Members of the Legislature, the House and the Senate, Members of the Court, Members of our Congressional Delegation, former members of our Delegation, Members of our Federal Court, fellow citizens, Governor and Mrs. Sununu, Governor and Mrs. Peterson, Governor King, Governor Thomson, and the fellow there on the end . . . (former Governor Hugh Gregg).

Let me begin by thanking the people of New Hampshire for expressing this trust in me. Also, I wish to specifically thank all those who have worked so hard in so many elections on my behalf. I especially wish to turn to Kathy and my family, who have allowed me to undertake these efforts and of course my parents who have done so much and been such a great part. There's a certain symmetry to today really, in that 35 years ago my father, Hugh Gregg, who I guess most of you know, stood here and accepted this office. Our family is deeply honored by the confidence this State has expressed in us. We have the opportunity today to define and give animation to those initiatives to be taken over the next few years.

How our actions should be initiated, drafted, constructed and executed is the issue.

Although there are political differences between us, I happen to believe that the constants are more numerous.

We can agree and, I presume, be fairly enthusiastic for certain purposes. To keep the peace, to protect our environment, to encourage family, enterprise and opportunity, to offer options to our children, and to live in a state where the individual sets the pace.

This we accept. Accomplishing these goals should be our effort. New Hampshire is uniquely positioned. We have good fortune. We have attracted to us an exceptional people. And now I sense a renewed spirit of enthusiasm for the special spirit which is New Hampshire.

It is generational in part. As people seek the lifestyle of New Hampshire in order to settle the trauma and confusion of the Sixties and the Seventies and confirm the prosperity of the Eighties. To lead, to build on, to exhort that enthusiasm is our challenge ... the challenge of the government.

And I intend to do just that.

There are a number of areas we need to address.

First is our land. Not in a limited sense, but in the broad sense of our environment.

It was Mark Twain who said that in the South the people define the land, and in the North the land is defined by the people. Today we see the character of that land threatened and as a result, the character of our people threatened. To the extent that we lose that sense of relationship to the land, we lose the core element that has attracted people to New Hampshire.

Thus, we as a government must act to protect, to preserve, and to improve those resources. There are a series of specific steps which we can take.

First, we must plan for the 21st century. We must determine how we wish New Hampshire to grow and to do this we must outline goals and characteristics which we hope New Hampshire will obtain. In an effort to define this direction, I shall set up a Governor's Commission on New Hampshire and the 21st century.

Further, we need an in-depth review of all our environmental laws. We need to step back from the hodgepodge of activity that has occurred over the past decade and develop a careful review and picture of the strengths and weaknesses of our environmental effort.

But as we are planning there are significant steps that we can take that are in the specific. We need, for example, legislation protecting our shorelines and granting access to our citizens to water. The state should set minimum land use protection requirements for the shorelines abutting all of our rivers, our lakes, and the Great Bay. It is essential that these core assets not to be allowed to be overwhelmed by development and that the basic aesthetic of these areas be saved for our children and their children.

In addition, because the price of land has increased so considerably, we are seeing that moderate income New Hampshire people can no longer afford to participate in the use of these waters. This is a major concern and it needs to be addressed, not only the ability to access waters, but also the usage of these waters by people who are given access, whether shoreline owners or not. We do not, in my opinion, need degradation of the quality of our lakes. Better managing that quality is essential.

Further, we should clarify the capacity of towns to assess impact fees, to enter into regional compacts for purposes of protecting aquifers, and the state needs to make available to local communities the technical assistance they require to make intelligent, thoughtful decisions on the area of land use.

In solid waste, we need to assist towns in developing state-of-the-art disposal systems and especially encouraging recycling. Our goal is to have all New Hampshire communities become involved in aggressive recycling programs and be actively involved in regional waste disposal compacts. I look forward to working with the legislative leaders in order to pass such a program. I know a great deal has already been done in this area, but we still have a long way to go.

Another critical area of attention is education. As we, as a society, mature in a technological world, if we are to compete, if we are to create opportunity, we must educate our children in the skills of today.

The state plays but one part in this role. It has consistently been the strength of our society that we have kept the core decisions on education with the parent, the teacher, and the local community.

To quote the inaugural of the other Governor Gregg thirty-five years ago, "We must not lose sight of the fact that state aid is not an economical way to finance our school system. When we send our income tax dollars to Washington, the State of New Hampshire gets back only ten cents in Federal programs. To a limited extent the same is true in dollars paid in taxes to our State government, because the very administrative process of centralization cost money to operate. Remember ... no government, federal or state, can give you anything which it has not first taken away from you."

But the strength of local control does not exclude the state from participating in the process.

The state's role is to choose unfulfilled areas, activities that although acknowledged as needed, have been unattainable by the local communities due to the inevitable limit on resources.

In the past, these areas have included initiatives by Governor Sununu in the area of teaching our teachers how to use computers better and in aiding less fortunate students. Those initiatives should continue.

But I believe the State has the opportunity to expand the horizon of challenged students. Other states, and especially other nations with whom our society must compete, have intensified their efforts in this area.

New Hampshire cannot afford not to undertake a system of accelerated challenge education.

Thus, I will be proposing an initiative which can best be called a modified magnet school approach, where we encourage our top students to compete to participate in accelerated courses which will take place after school and for which they will be paid in the form of credits towards scholarship for their higher education.

In addition, I intend to pursue aggressively state-sponsored savings accounts for parents who wish to save for their children's higher education, the Adopt-a-School program that will cover the whole state, drug education programs, and initiatives for upgrading the awareness of our elementary and secondary school teachers in the areas of math and science.

When defining the uniqueness that is New Hampshire, a key element is that "get involved" spirit of our people. This was alluded to yesterday by Gov. Sununu ... and it is critical. This legislature epitomizes that spirit.

It's possible that you were all attracted here because of the great pay and the super benefits. Or maybe it's that parking space in Concord that really is a rare commodity that you get.

It really is the willingness of people like yourselves to volunteer your time, not because it gets you monetary reward, but out of a sense of duty to your neighbor, to your town and to your state that New Hampshire government is effective.

With our growth and as an inherent function of mass we are seeing this volunteerism come under pressure. It is critical, therefore, that we create an atmosphere that allows people to choose to serve without unnecessary or exorbitant risk. We must protect the citizen legislature, planning board member, select person from liability founded on the discharge of their public duty.

And you, the Legislature, if you are to continue to attract to you a broad cross-section of New Hampshire as your members, you cannot demand, through annual sessions, impractical and unnecessary commitments on business persons,

mothers and professionals. I will, therefore, strongly support the initiatives of your leadership to return the Legislature to biennial sessions.

You cannot discuss New Hampshire government, or for that matter any democratic form of government, without turning to the issue of taxation. We must understand the fundamental philosophy of New Hampshire which has governed us for years. That is that people should be allowed to keep as much as is practical of their hard-earned income so that they may reinvest it to create the prosperity for which New Hampshire has become known.

We must, therefore, as a state, live within our revenues. Those revenues over the past few years have fluctuated considerably and to the significant benefit of the state, while at the same time our towns and cities have found themselves under substantial pressure to maintain and improve their services in the face of our growth. In the next biennium, we will no longer see as much of an increase in revenue growth as we have over the past four years. In fact, on a cash basis, the State of New Hampshire today is spending 30 million dollars more than it is taking in. Thus, we are going to have to tighten our belts.

Therefore in my budget message and perhaps as soon as next week, I will present action which will assure the fiscal solvency of New Hampshire. You are all, as legislators, going to be asked to make some difficult choices, but I'm sure you will look at these choices as I do, as a challenge — an opportunity to effectively maintain New Hampshire's high quality government and low tax burden.

Part of that challenge will be the need to adequately and fairly compensate our State employees, in the face of this need for fiscal restraint, for it is clear that it is our state employees who are the core of our high quality government.

Further, if in the future we should once again return to large revenue surpluses, it is my belief that we have an obligation to share that surplus with our communities. Thus, I will introduce proposals which will assure that in the instance of such a surplus, towns and cities will be guaranteed a fair share.

There are other initiatives in areas like housing, the arts and energy, health care, on which I look to work with you, the Legislature, as we evolve responses.

But two recent developments will definitely test our capacity as a government and a state to solve problems.

First is the potential closure of Pease Air Force Base. Pease has been a positive asset for the seacoast region and New Hampshire, a good neighbor and employer. Its closure would be unfortunate, but if it is to occur, we need to organize to assure an orderly transition. We have as a state addressed this type of problem in the past with the closure of our great woolen mills. It will involve considerable dislocation and economic adjustment, but with a thoughtful effort, I am sure that we can make the best of an unsought situation.

Second, in the area of energy. We will not, as a people or as a state, be held hostage to the avarice of stock speculators and big-time bondholders.

We shall receive a fair settlement on our electricity rates or we shall fight.

I ask you, the Legislature, to pass legislation promptly creating a public power authority so that the State of New Hampshire will not enter this fray unarmed. Not to pass such legislation will seriously jeopardize our capacity to protect our neighbors in this coming battle over rates.

I do not believe that my election as Governor has in some mystical way transposed me with all knowledge; rather I look to work with you as a legislature and to receive your input and your ideas. The structure of our government requires

respect and cooperation between the branches. And for my part, I assure you of both.

We are all on a path working our way through life. We have the good fortune to find our paths transit New Hampshire.

Our job is to lead others who are on this path in a manner which will assure the maximum assistance of government without overwhelming individual initiatives, in a manner that protects and improves the land, that educates our children to compete, and that expands our freedom. This is the way I intend to lead and I ask you to join me in this effort.

The Rundlett Junior High School Chorus of Concord sang "Old New Hampshire."

The Reverend Bernard J. Campbell, Director of Ministry for Persons with Disabilities, offered the Benediction.

Let us now bow our heads. Let us pray, asking all who have served this nation and state, from the time of colonial settlers to this present moment of space exploration, to join us in this prayer. May the spirit of hope, courage, justice, sacrifice and love which filled their lives fill the life of our 94th Governor, Judd Gregg. May his wife Kathy, and their family be blessed with peace and joy. May the strength of those women and men who gave their lives as martyrs for justice and peace, fill the daily life of our newly elected Governor Judd Gregg, and the lives of his family and his administration.

Eternal God, upon whose moral law the government of our state rests, we turn to you in our need for wisdom and courage, because your spirit is the source of all wisdom and courage. We thank you for the gifts we enjoy as citizens of this state and nation, founded upon the rock of liberty and built with the hopes and dreams of rising generations in mind. We lift before you now our 94th Governor of the State of New Hampshire, Judd Gregg. We, and all the past and present people of the State of New Hampshire, pray on behalf of Governor Gregg and his administration that they follow the counsel of Micha — to do justly, to love mercy, walk humbly with our God, so that their service may enkindle in your people a feeling of trust, honor, and harmony. May the actions of Governor Gregg be always for the State's good and the record of his civic stewardship be blameless in your sight. Amen.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.
Adopted.

(Speaker presiding)

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on January 24, 1989 at 1:00 p.m..

Adopted.

Rep. Palumbo moved that the House stand in recess for the purpose of the introduction of Bills only.

Adopted.

The House recessed at 12:45 p.m.

RECESS

(Rep. Phelps in the Chair)

Rep. Simon offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 153 through 199 and 201 through 224, House Concurrent Resolutions numbered 1 and 2 and Constitutional Amendment Concurrent Resolution numbered 5, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HCRs and CACR

First, second reading and referral

HB 153, giving certain property lessee's associations a right of first refusal when land is sold. (Boucher of Rockingham Dist. 23 - To Commerce, Small Business and Consumer Affairs)

HB 154, prohibiting ski craft and limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham. (Chandler of Carroll Dist. 1; Heath of Dist. 3 - To Transportation)

HB 155, relative to correcting an error in the March 10, 1987, Hooksett school district election ballot. (Boucher of Merrimack Dist. 9; Apple of Merrimack Dist. 9; Pfaff of Merrimack Dist. 9; Podles of Dist. 16 - To Municipal and County Government)

HB 156, relative to transferring academic credits between the university and postsecondary vocational-technical education systems. (LaMott of Grafton Dist. 5 - To Education)

HB 157-FN-A, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor. (Weymouth of Grafton Dist. 2; Dupont of Dist. 6 - To Resources, Recreation and Development)

HB 158, relative to arrests without a warrant. (Fields of Hillsborough Dist. 13 - To Judiciary)

HB 159, repealing certain railroad bridge requirements. (Pearson of Belknap Dist. 5 - To Transportation)

HB 160-FN, to repeal the state recreational fund. (Rounds of Grafton Dist. 10 - To Resources, Recreation and Development)

HB 161, extending the illiteracy and dropout prevention legislative study committee. (Bolduc of Belknap Dist. 10; Domaingue of Hillsborough Dist. 42; Delahunty of Dist. 22; Bond of Dist. 1 - To Education)

HB 162, restricting credit card finance charges. (Dube of Hillsborough Dist. 14 - To Commerce, Small Business and Consumer Affairs)

HB 163, concerning certain labor laws. (Nichols of Merrimack Dist. 2; Chambers of Grafton Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 164, relative to the size of bargaining units. (Toomey of Hillsborough Dist. 27; O'Rourke of Hillsborough Dist. 35; Arnesen of Grafton Dist. 7; Drabinowicz of Hillsborough Dist. 32; McCann of Strafford Dist. 7; Nelson of Dist. 13 - To Labor, Industrial and Rehabilitative Services)

HB 165, relative to labor unions of supervisors. (Toomey of Hillsborough Dist. 27; O'Rourke of Hillsborough Dist. 35; Arnesen of Grafton Dist. 7; Drabinowicz of Hillsborough Dist. 32; McCann of Strafford Dist. 7; Nelson of Dist. 13 - To Labor, Industrial and Rehabilitative Services)

HB 166-FN-A, authorizing a maintenance and construction crew for the department of fish and game and making an appropriation therefor. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 167-FN, relative to taking or acquisition of condominium common areas by eminent domain. (Pearson of Belknap Dist. 5 - To State Institutions and Housing)

HB 168, relative to driver's license revocation or denial for involvement with drugs and alcohol. (Flanders of Rockingham Dist. 10; Spencer of Strafford Dist. 4; Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 169, relative to Martin Luther King Day. (Long of Hillsborough Dist. 25; Derosier of Hillsborough Dist. 26; Weddle of Rockingham Dist. 24; Hall of Merrimack Dist. 7; Pignatelli of Hillsborough Dist. 31; Krasker of Dist. 24; McLane of Dist. 15 - To Executive Departments and Administration)

HB 170-FN, relative to surveying town boundaries. (Fraser of Merrimack Dist. 6; Freese of Dist. 4 - To Municipal and County Government)

HB 171-FN, relative to fees at certain state park beaches. (Ritzo of Rockingham Dist. 18; Malcolm of Rockingham Dist. 17; McCarthy of Rockingham Dist. 18; Chase of Rockingham Dist. 28 - To Resources, Recreation and Development)

HB 172-FN, relative to distribution of sweepstakes revenue. (Domaingue of Hillsborough Dist. 42; Flint of Sullivan Dist. 2; Podles of Dist. 16 - To Regulated Revenues)

HB 173-FN-A, relative to the renovation and dedication of the Hampton Beach state park lifeguard facility and making an appropriation therefor. (Tufts of Rockingham Dist. 13 - To Public Works)

HB 174-FN, relative to fireworks. (Welch of Rockingham Dist. 10; Felch of Rockingham Dist. 14; Lawrence of Hillsborough Dist. 20 - To Public Protection and Veterans Affairs)

HB 175, relative to bail commissioners' fees. (Vartanian of Rockingham Dist. 20 - To Judiciary)

HB 176-FN, requiring certificates of title for state-owned vehicles. (LaMott of Grafton Dist. 5 - To Transportation)

HB 177, reducing the speed limit in business and urban residence districts. (Lown of Hillsborough Dist. 9 - To Transportation)

HB 178-FN, relative to continuing the study committee reviewing the liquor laws. (Kelley of Hillsborough Dist. 13 - To Regulated Revenues)

HB 179-FN, requiring additional reports to be filed with the insurance commissioner. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 180, relative to speed limits in posted school zones. (Pearson of Belknap Dist. 5 - To Transportation)

HB 181, relative to crossing the unbroken painted line on highways. (Pearson of Belknap Dist. 5 - To Transportation)

HB 182-FN, reclassifying certain highways in the towns of Carroll and Belmont. (Pearson of Belknap Dist. 5 - To Public Works)

HB 183-FN, authorizing the commissioner of transportation to charge administrative fees for disposal of land and property. (Pearson of Belknap Dist. 5 - To Executive Departments and Administration)

HB 184, relative to driving left of center of roadways. (Pearson of Belknap Dist. 5 - To Transportation)

HB 185, clarifying the department of transportation's authority in maintaining and operating rail operations. (Pearson of Belknap Dist. 5 - To Transportation)

HB 186-FN, allowing free hunting and fishing licenses for residents suffering from certain handicaps. (Maviglio of Belknap Dist. 1 - To Fish and Game)

HB 187-FN, relative to the rulemaking authority of the board of medicine. (McCain of Rockingham Dist. 11; Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 188-FN, to repeal the right to hunt moose. (Chase of Rockingham Dist. 28; Burton of Strafford Dist. 4 - To Fish and Game)

HB 189-FN, increasing the minimum wage law. (Hall of Merrimack Dist. 7; Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 190-FN-A, relative to conflicts between municipal budget law and collective bargaining negotiations. (Johnson of Rockingham Dist. 1 - To Municipal and County Government)

HB 191, clarifying the definition of a seasonal establishment for purposes of overtime compensation. (Dickinson of Carroll Dist. 2; Bond of Dist. 1 - To Labor, Industrial and Rehabilitative Services)

HB 192-FN, clarifying municipal budget authority committee power to acquire information from certain municipal officials. (Campbell of Rockingham Dist. 20; Cooke of Rockingham Dist. 20 - To Municipal and County Government)

HB 193-FN-A, relative to a study of the highways and bridges in the town of Hooksett and making an appropriation therefor. (Boucher of Merrimack Dist. 9; Apple of Merrimack Dist. 9; Pfaff of Merrimack Dist. 9; Podles of Dist. 16 - To Public Works)

HB 194-FN, relative to the award of interest in workers' compensation cases. (Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 195-FN, relative to eligibility for disability payments to injured workers. (Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 196-FN, relative to compensation for temporary partial disability under workers' compensation. (Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 197-FN, to reclassify portions of certain highways in the town of Seabrook. (Pearson of Belknap Dist. 5 - To Public Works)

HB 198-FN-A, establishing an accreditation technical assistance program for law enforcement agencies and making an appropriation therefor. (Flanders of Rockingham Dist. 10 - To Public Protection and Veterans Affairs)

HB 199-FN, amending the 10-year highway plan. (Jones of Hillsborough Dist. 20 - To Public Works)

HB 201, relative to protective custody of abused or neglected animals. (Gage of Rockingham Dist. 13 - To Environment and Agriculture)

HB 202, requesting inventories of water access properties under the control of various departments. (Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 203, regarding copying costs of public documents. (Jasper of Hillsborough Dist. 19 - To Judiciary)

HB 204-FN, relative to the penalty for delivering certain articles to prisoners confined in county correctional facilities. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 205, relative to continuing care communities. (Parks of Strafford Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover. (Bardsley of Merrimack Dist. 1; Phelps of Merrimack Dist. 1 - To Transportation)

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury. (Phelps of Merrimack Dist. 1 - To Transportation)

HB 208-FN-A, increasing the amount of the contribution to municipalities from the general fund by \$20,000,000 for fiscal year 1990. (Jacobson of Merrimack Dist. 2 - To Appropriations)

HB 209-FN, establishing a committee to study the accessibility of nursing home care. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III. (Musler of Strafford Dist. 3; Freese of Dist. 4 - To Legislative Administration)

HB 211-FN, relative to boat registration fees. (Maviglio of Belknap Dist. 1 - To Transportation)

HB 212, relative to the board of chiropractors. (McCain of Rockingham Dist. 11 - To Executive Departments and Administration)

HB 213-FN, relative to water tests for private wells. (Beaton of Merrimack Dist. 3; G. Katsakiores of Rockingham Dist. 7; Conroy of Rockingham Dist. 7 - To State Institutions and Housing)

HB 214, relative to the transportation of alcohol in open containers. (Lown of Hillsborough Dist. 9; Ford of Hillsborough Dist. 24; Spencer of Strafford Dist. 4 - To Regulated Revenues)

HB 215-FN-A, relative to fish and game search and rescue. (LaMott of Grafton Dist. 5 - To Fish and Game)

HB 216-FN, requiring emissions control inspections of motor vehicles. (Greene of Rockingham Dist. 18 - To Transportation)

HB 217, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. (Ritzo of Rockingham Dist. 18; Wall of Strafford Dist. 4; Chase of Rockingham Dist. 28 - To Regulated Revenues)

HB 218, permitting a person to be the candidate for only one party. (Lozeau of Hillsborough Dist. 25; Holden of Hillsborough Dist. 9; Sytek of Rockingham Dist. 20 - To Constitutional and Statutory Revision)

HB 219-FN, relative to filing deeds and instruments with the register of deeds. (Gage of Rockingham Dist. 13; Sytek of Rockingham Dist. 20; LaMar of Cheshire Dist. 16 - To Municipal and County Government)

HB 220-FN, relative to managing tax supported state debt. (Kurk of Hillsborough Dist. 3 - To Public Works)

HB 221, exempting medical facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime. (Foster of Carroll Dist. 4; Chase of Carroll Dist. 6 - To Judiciary)

HB 222, prohibiting ski craft and limiting horsepower of motors on Indian Pond in the town of Orford. (Arnesen of Grafton Dist. 7; Barberia of Merrimack Dist. 6; King of Dist. 2 - To Transportation)

HB 223-FN, relative to investment of state funds in corporations doing business in Northern Ireland. (Culbert of Hillsborough Dist. 20; McCarthy of Hillsborough Dist. 38; Eno of Grafton Dist. 6; Toomey of Hillsborough Dist. 27; McCann of Strafford Dist. 7; Nelson of Dist. 13 - To State-Federal Relations)

HB 224-FN-A, relative to a study of the Storrs Street Extension in the city of Concord and making an appropriation therefor. (Hager of Merrimack Dist. 21 - To Public Works)

HCR 1, a resolution of support for northeastern regional cooperation in solid waste reduction, recycling and disposal. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HCR 2, declaring a New Hampshire Scottish Heritage Week. (Avery of Cheshire Dist. 5; Gordon of Cheshire Dist. 5; Kenneth Cole of Cheshire Dist. 3; McDowell of Hillsborough Dist. 29; Bass of Dist. 11; Bartlett of Dist. 19 - To State-Federal Relations)

CACR 5, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (McCain of Rockingham Dist. 11; Palumbo of Rockingham Dist. 10 - To Constitutional and Statutory Revision)

Rep. Simon moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 4

Tuesday, January 24, 1989

The House assembled at 1:05 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O Spirit, from whom come challenges and opportunities, we gather with the responsibilities of another session stretching before us. Much of what we do will be routine. We will ponder and debate and caucus and lobby for this concern and that. Much of what we decide will be little noticed.

But we recognize as well, that there will be times when we will be faced with decisions which may change the course of our own lives, our state and our nation. And instill in us a deep sense of commitment to serve the common good which rises far above party, position or label.

Grant, Holy God, that we who are gathered here may lead well and follow well, may labor faithfully, and may sense the assurance that our labors are not in vain. In true hope we ask it. Amen.

Rep. Matson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Genest, Rheault, Musler, Lionel Boucher, Wallner, Jane Harland, Dyer, Guay, Randall, Sanderson, Chandler and Normandin, the day, important business.

Reps. Ann Derosier, Manus, Nardi, Daigle, McGovern, Cote, Clyde Eaton, Maurice MacDonald, Palazzo and John King, the day, illness.

Rep. Arnesen, the day, illness in the family.

INTRODUCTION OF GUESTS

The fourth grade class from Dublin Consolidated School and their teacher, Charlotte Forstin, guests of Rep. Avery; Martha Robinson, daughter of Rep. Ellen-Ann Robinson.

COMMUNICATIONS

W. Douglas Scamman, Jr.
Speaker of the House

Dear Speaker Scamman,

I am herein submitting my resignation as a recently elected member of the New Hampshire House of Representatives, representing Ward 9 in Nashua.

I have taken a position with the City of Nashua as Assessing Manager and will not have the time to complete this additional commitment.

I looked forward to this elected office, but must devote my every energy to this important local position.

Sincerely,
Lucien G. Rousseau
Hillsboro District 26

W. Douglas Scamman, Jr.
Speaker of the House

Dear Mr. Speaker,

It is with profound regret that I request you accept my resignation from the New Hampshire House of Representatives effective February 1, 1989.

Since filing for re-election last summer, a personal commitment has arisen that I had hoped I could balance with my legislative schedule, however the extended periods of out-of-state travel will not permit me to provide the service which my constituents deserve.

My best wishes and warmest regards to my many, many friends in the House and to the Legislative Staff.

Bruce C. Rounds
Grafton District 10

James A. Chandler
House Clerk

Dear Mr. Chandler,

This is to advise that the following representatives-elect were sworn into office by the Governor and the Executive Council on January 16, 1989.

Rockingham County District No. 20
Elsie Vartanian, r, Salem (44 Brady Avenue) 03079

Rockingham County District No. 18
Herbert R. Drake, r, Rye (130 Harbor Road) 03870

Sincerely,
Paula S. Penney
Administrative Assistant
Office of the Secretary of State

Rep. Vartanian was assigned to the Committee on Rules, State-Federal Relations and State Institutions and Housing.

Rep. Drake was assigned to the Committee on Fish and Game.

INTRODUCTION OF SPECIAL GUESTS

The family of the late Rep. Guy R. Granger: Guy and Nellie Granger, parents; Gary, brother; Lorna, sister-in-law; Gayle, sister; Cindy Whaley, sister; John, brother; Karen Cabral, sister; and Julie Cabral, niece.

The Merrimack delegation offered the following:

HOUSE RESOLUTION NO. 12

memorializing State Representative Guy R. Granger, Jr. of Merrimack

WHEREAS, we have learned with great sorrow of the death of State Representative Guy R. Granger, Jr., who was about to begin serving his sixth term as a member of the New Hampshire House, and

WHEREAS, during his tenure as an honorable servant of the people of Merrimack, Guy R. Granger, Jr., for four consecutive terms was a devoted member of the Standing Committee on State Institutions, and for one term served on the Health and Human Services Committee, and

WHEREAS, having been a native of New Hampshire, Guy R. Granger, Jr., chose to live his entire life in the state of his birth, devotedly serving in numerous civic positions including Treasurer and Secretary of the Hillsborough County Republican Committee, and

WHEREAS, Guy R. Granger, Jr., also served as Vice Chairman of the New Hampshire Federation of Young Republicans, Chairman of the New Hampshire Chapter of Young Americans for Freedom, President of the New Hampshire Right To Life Committee, and President of the Merrimack Historical Society, and

WHEREAS, Guy R. Granger, Jr., served his country as a member of the U.S. Army, doing two tours of duty in Vietnam and later serving as State Commander of the Veterans of Foreign Wars, and

WHEREAS, having graduated in 1965 from Merrimack High School, Guy R. Granger, Jr., in 1970 received his bachelor of arts degree from Keene State College, and in 1975 earned a bachelor of science degree from New Hampshire College, now therefore be it.

RESOLVED, by the House of Representatives in Regular Session convened, that Guy R. Granger, Jr., be given highest praise and publicly lauded for his service as a State legislator and community leader, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by rising vote of silent prayer.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on January 31 at 1:00 p.m.

Adopted.

LATE SESSION

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 1:32 p.m.

RECESS

(Rep. Benton in the Chair)

Rep. Bonnie McCann offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 225 through 249, 251 through 349, and 351 through 392, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS**First, second reading and referral**

HB 225-FN-A, relative to filing of planning board and board of adjustment decisions and making an appropriation therefor. (Hall of Merrimack Dist. 7 - To Municipal and County Government)

HB 226-A, relative to state-issued bonds for college tuition. (Skinner of Rockingham Dist. 21; Palumbo of Rockingham Dist. 10; Ritzo of Rockingham Dist. 18; Wadsworth of Grafton Dist. 13; Long of Hillsborough Dist. 25; Fesh of Rockingham Dist. 7 - To Education)

HB 227-FN, establishing a committee to study laws regarding surplus lines insurance companies. (Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 228, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Lewis of Merrimack Dist. 5; Lown of Hillsborough Dist. 9; Nelson of Dist. 13; Delahunty of Dist. 22 - To Constitutional and Statutory Revision)

HB 229-FN, creating a committee to study political party organization. (Green of Hillsborough Dist. 36 - To Constitutional and Statutory Revision)

HB 230, relative to electing Belknap county commissioners. (Maviglio of Belknap Dist. 1; Richardson of Belknap Dist. 10; King of Dist. 2 - To Constitutional and Statutory Revision)

HB 231, including Somersworth as a municipality entitled to alternate state contribution for sewage disposal facilities. (Frechette of Strafford Dist. 8; Dupont of Dist. 6 - To Public Works)

HB 232, relative to authorizing the prepayment of taxes. (McCain of Rockingham Dist. 11 - To Municipal and County Government)

HB 233, prohibiting the transportation of persons and domesticated pets in open bed trucks. (Hollingworth of Rockingham Dist. 17; Magee of Dist. 12 - To Transportation)

HB 234-FN-A, relative to the loss carryover deduction under the business profits tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 235-FN-A, relative to Whitefield and Berlin airports and making an appropriation therefor. (Woodburn of Coos Dist. 6; Nelson of Coos Dist. 8; Kilbride of Coos Dist. 8; Oleson of Coos Dist. 7; Burns of Coos Dist. 5 - To Public Works)

HB 236, relative to license plates for antique motor cars. (Stio of Merrimack Dist. 5; Johnson of Merrimack Dist. 5 - To Transportation)

HB 237, relative to eviction of tenants with AIDS. (Trombly of Merrimack Dist. 4 - To State Institutions and Housing)

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity. (Trombly of Merrimack Dist. 4 - To Judiciary)

HB 239, relative to legalizing town meetings. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 240-FN-A, establishing a shooting range in the state and making an appropriation therefor. (Pfaff of Merrimack Dist. 9 - To Public Works)

HB 241-FN, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics. (Pearson of Belknap Dist. 5 - To Public Works)

HB 242-FN-A. relative to video poker machines. (Pantelakos of Rockingham Dist. 24; Theriault of Coos Dist. 8; Whitcomb of Grafton Dist. 1 - To Regulated Revenues)

HB 243-FN. enabling cities and towns to tax antenna towers. (McRae of Hillsborough Dist. 6 - To Ways and Means)

HB 244-FN. allowing museums to obtain title to property loaned for an indefinite time. (Tufts of Rockingham Dist. 13; Krasker of Dist. 24 - To State Institutions and Housing)

HB 245-FN. creating a committee to study county government. (Green of Hillsborough Dist. 36 - To Municipal and County Government)

HB 246-FN. relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next. (Pearson of Belknap Dist. 5 - To Public Works)

HB 247-FN. relative to the transfer of funds for turnpikes from the general reserve account. (Pearson of Belknap Dist. 5 - To Public Works)

HB 248-FN. establishing a study committee on deinstitutionalization in New Hampshire. (Cole of Cheshire Dist. 10; Palumbo of Rockingham Dist. 10; Torr of Strafford Dist. 6; Freese of Dist. 4 - To State Institutions and Housing)

HB 249-FN. creating a wildlife conservation fund. (Drake of Rockingham Dist. 18; Greene of Rockingham Dist. 18 - To Fish and Game)

HB 251-FN-A. establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor. (McCain of Rockingham Dist. 11; Peyron of Sullivan Dist. 2; LaMar of Cheshire Dist. 16; Bass of Dist. 11; Nelson of Dist. 13; King of Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 252-FN. relative to major capital projects. (Beaton of Merrimack Dist. 3 - To Public Works)

HB 253-FN. relative to compensation for guardians of incapacitated persons or estates of incapacitated persons. (Schmidtchen of Rockingham Dist. 23 - To Judiciary)

HB 254-FN. establishing a study committee to determine ownership of lakes and ponds in the White Mountain National Forest. (Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 255-FN. establishing a legislative study committee on Medicare reimbursements. (Ahrens of Hillsborough Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 256-FN-A. relative to a study of the Civilian Conservation Corps buildings at Bear Brook state park and making an appropriation therefor. (Green of Hillsborough Dist. 36 - To Public Works)

HB 257-FN. imposing a mandatory fine for exceeding OHRV decibel levels. (Anderson of Merrimack Dist. 7; Welch of Rockingham Dist. 10 - To Transportation)

HB 258-FN. increasing the cap on the revolving drug forfeiture fund. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 259-FN. permitting selectmen to set fees. (Golden of Belknap Dist. 7 - To Municipal and County Government)

HB 260-FN. creating a pro rata distribution related to catastrophic aid. (Guest of Grafton Dist. 12; Chambers of Grafton Dist. 12; Nordgren of Grafton Dist. 12 - To Education)

HB 261-FN. relative to dog licenses. (Hardy of Belknap Dist. 4 - To Municipal and County Government)

HB 262-FN. establishing a study committee on liability for expenses for children in need of services. (McCain of Rockingham Dist. 11; Bean of Grafton Dist. 13 - To Children, Youth and Juvenile Justice)

HB 263-FN. relative to a committee to study establishing a family court. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 264-FN. prohibiting the prescription, possession, or use of anabolic steroids for athletic enhancement. (Jones of Hillsborough Dist. 20 - To Judiciary)

HB 265-FN-A. relative to telephone and telegraph company taxes. (Grip of Hillsborough Dist. 7; Blacketer of Cheshire Dist. 12; Sallada of Hillsborough Dist. 4 - To Ways and Means)

HB 266-FN. requiring employers to offer health insurance benefits to part-time employees. (Arnesen of Grafton Dist. 7; Wallner of Merrimack Dist. 21; Barber of Cheshire Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 267-FN. relative to vicious dogs. (Johnson of Merrimack Dist. 5 - To Judiciary)

HB 268-FN. regulating residential telephone solicitation. (McKinney of Rockingham Dist. 23; Spear of Cheshire Dist. 13; Eaton of Cheshire Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 269-FN-A. to abolish the interest and dividends tax. (Lown of Hillsborough Dist. 9; Ward of Grafton Dist. 1 - To Ways and Means)

HB 270-FN-A. relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor. (Palumbo of Rockingham Dist. 10; Fillion of Merrimack Dist. 15; Hawkins of Belknap Dist. 5; Soldati of Merrimack Dist. 19; Heath of Dist. 3 - To Transportation)

HB 271-FN. relative to fish and game license fees. (LaMott of Grafton Dist. 5 - To Fish and Game)

HB 272-FN. relative to Pike's school in Haverhill, New Hampshire. (LaMott of Grafton Dist. 5 - To Fish and Game)

HB 273-FN. authorizing the transfer of sick and annual leave and longevity credit for certain state employees. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 274-FN. establishing minimum mandatory fines for persons who violate certain liquor laws concerning those persons under the age of 21 years; and requiring that persons who purchase kegs of beer sign a keg purchase form. (Spencer of Strafford Dist. 4; Knight of Hillsborough Dist. 6; Bickford of Strafford Dist. 10; Lown of Hillsborough Dist. 9; Harland of Sullivan Dist. 8; Preston of Dist. 23; Bond of Dist. 1; Torr of Dist. 21 - To Regulated Revenues)

HB 275-FN. relative to civil immunity from liability for volunteers and establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 276-FN. relative to the penalty for assaulting a law enforcement officer. (Chase of Rockingham Dist. 28 - To Judiciary)

HB 277-FN. to prohibit after market tinting on windshields and on certain windows of motor vehicles. (Flanders of Rockingham Dist. 10 - To Transportation)

HB 278-FN-A. relative to inclusion of certain costs in the public utility rate base under the anti-CWIP statute. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 279-FN-A, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor. (Greene of Rockingham Dist. 18; Drake of Rockingham Dist. 18 - To Public Works)

HB 280-FN, relative to the liability of co-employees in workers' compensation. (Warburton of Rockingham Dist. 6 - To Labor, Industrial and Rehabilitative Services)

HB 281-FN, relative to third party recoveries in workers' compensation. (Warburton of Rockingham Dist. 6 - To Labor, Industrial and Rehabilitative Services)

HB 282-FN, relative to liability for certain regional vocational education costs. (Campbell of Rockingham Dist. 20 - To Education)

HB 283-FN, relative to permanent impairment awards under workers' compensation. (Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 284-FN, relative to co-employee liability under workers' compensation. (Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 285-FN, relative to liens on real property for hazardous waste cleanup costs. (Krueger of Sullivan Dist. 6; Torr of Dist. 21 - To Commerce, Small Business and Consumer Affairs)

HB 286-FN, relative to using Wallop-Breaux funds for launching site maintenance. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 287-FN, relative to the distribution of OHRV registration fees and the registration of motorcycles used for off highway recreational purposes. (Scanlan of Grafton Dist. 11 - To Executive Departments and Administration)

HB 288-FN, relative to penalties for aggravated DWI and for negligent homicide. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 289, relative to stumps, leaves, and yard waste. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 290-FN-A, to modernize the automation activities of the department of revenue administration and making an appropriation therefor. (Palumbo of Rockingham Dist. 10 - To Science, Technology and Energy)

HB 291-FN-A, relative to the real estate transfer tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 292-FN, extending the study and evaluation of state Route 101A corridor in the Nashua region. (Ahrens of Hillsborough Dist. 13; Tarpley of Hillsborough Dist. 9; Frank of Hillsborough Dist. 13; Holden of Hillsborough Dist. 9; Roberge Dist. 9 - To Public Works)

HB 293-FN, creating a committee to study experience modifications. (Fraser of Merrimack Dist. 6; Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 294-FN, relative to unlawful concealment of a child. (Flanders of Rockingham Dist. 10 - To Children, Youth and Juvenile Justice)

HB 295-FN-A, relative to an information booklet for caretakers of Alzheimer's disease victims and making an appropriation therefor. (Parks of Strafford Dist. 6; Lockwood of Merrimack Dist. 6; Mason of Hillsborough Dist. 8; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

HB 296-FN-A, relative to Alzheimer's respite care service and making an appropriation therefor. (Parks of Strafford Dist. 6; Lockwood of Merrimack Dist. 6; Mason of Hillsborough Dist. 8; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

HB 297-FN, relative to workers' compensation for part-time police officers. (Wells of Rockingham Dist. 5; Flanders of Rockingham Dist. 10 - To Labor, Industrial and Rehabilitative Services)

HB 298-FN, relative to the statute of limitations for actions against governmental units. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 299-FN-A, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor. (Stio of Merrimack Dist. 5; Green of Hillsborough Dist. 36; Freese of Dist. 4 - To Science, Technology and Energy)

HB 300-FN-A, relative to studying access to medical care for persons without health insurance and making an appropriation therefor. (Packard of Hillsborough Dist. 15; Fraser of Merrimack Dist. 6; Pappas of Hillsborough Dist. 37; Hough of Dist. 5 - To Commerce, Small Business and Consumer Affairs)

HB 301-FN-A, relative to the funding of regional planning commissions and making an appropriation therefor. (Perry of Cheshire Dist. 10; LaMott of Grafton Dist. 5; Matson of Cheshire Dist. 7; Soucy of Hillsborough Dist. 39 - To Municipal and County Government)

HB 302-FN, relative to hunting and fishing licenses for totally and permanently disabled veterans. (Brown of Rockingham Dist. 14; Palazzo of Rockingham Dist. 16; Felch of Rockingham Dist. 14 - Fish and Game)

HB 303-A, appropriating funds for construction of the Swanzey sewer interceptor. (Perry of Cheshire Dist. 10 - To Public Works)

HB 304, relative to the horsepower of motors used and operated on Spectacle pond in the towns of Enfield and Grafton. (Townsend of Grafton Dist. 13 - To Transportation)

HB 305-FN-A, relative to a community oriented transportation planning study of certain highways and making an appropriation therefor. (Whittemore of Merrimack Dist. 10; Asplund of Merrimack Dist. 10; Tolpin of Merrimack Dist. 10; Turner of Belknap Dist. 11; Randall of Belknap Dist. 3; Carrier of Dist. 7 Freese of Dist. 4 - To Public Works)

HB 306-FN, increasing the penalties for owners of dogs which are a nuisance, a menace, or vicious. (Hardy of Belknap Dist. 4 - To Public Protection and Veterans Affairs)

HB 307-FN, relative to cat breeders and dog breeders. (Hardy of Belknap Dist. 4 - To Environment and Agriculture)

HB 308-FN-A, establishing a data collection unit within the postsecondary education commission and making an appropriation therefor. (Dyer of Hillsborough Dist. 7 - To Education)

HB 309-FN, prohibiting the stocking of bodies of water which are inaccessible to the public. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 310, exempting veterinarians from jury duty. (Burton of Strafford Dist. 4 - To Judiciary)

HB 311, relative to the fish and game commission (Burton of Strafford Dist. 4 - To Fish and Game)

HB 312-FN, requiring warning labels on war toys. (Burton of Strafford Dist. 4 - To Public Protection and Veterans Affairs)

HB 313, relative to Carroll county attorney. (Dickinson of Carroll Dist. 2; MacDonald of Carroll Dist. 6 - To Municipal and County Government)

HB 314, relative to styrofoam in the construction of houses. (Beaupre of Hillsborough Dist. 42 - To State Institutions and Housing)

HB 315-FN, including Monroe in the list of towns eligible for state funding for a sewage disposal system. (Weymouth of Grafton Dist. 2 - To Public Works)

HB 316, relative to notice to abutters. (Dickinson of Carroll Dist. 2 - To Public Works)

HB 317, establishing a volunteer marine patrol program. (Dickinson of Carroll Dist. 2 - To Transportation)

HB 318, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton. (Dickinson of Carroll Dist. 2 - to Transportation)

HB 319-FN, relative to video taping depositions of the elderly. (Moore of Hillsborough Dist. 5; Sallada of Hillsborough Dist. 4 - To Judiciary)

HB 320-FN-A, relative to the penalty for overdue payments under the interest and dividends tax. (Schmidtchen of Rockingham Dist. 23 - To Ways and Means)

HB 321-FN, increasing bail commissioners' fees. (Felch of Rockingham Dist. 14 - To Judiciary)

HB 322-FN, requiring licensing of home inspectors by the New Hampshire real estate commission. (Drabinowicz of Hillsborough Dist. 32; Toomey of Hillsborough Dist. 27 - To State Institutions and Housing)

HB 323, relative to payment of costs of bank examinations. (Krueger of Sullivan Dist. 6; Disnard of Dist. 8 - To Commerce, Small Business and Consumer Affairs)

HB 324, relative to posted school zones. (Foster of Cheshire Dist. 17 - To Transportation)

HB 325, relative to disciplinary actions against veterinarians. (Foss of Strafford Dist. 10; McLane of Dist. 15 - To Executive Departments and Administration)

HB 326-FN-A, to return real estate transfer tax revenue to counties. (Randall of Belknap Dist. 3 - To Ways and Means)

HB 327-FN-A, relative to the rate of the real estate transfer tax. (Ahrens of Hillsborough Dist. 13 - To Ways and Means)

HB 328, relative to counting write-in votes. (Roulston of Rockingham Dist. 20; Jasper of Hillsborough Dist. 19 - To Constitutional and Statutory Revision)

HB 329-A, authorizing a lease-purchase agreement for the construction of a district court in the city of Franklin and making an appropriation therefor. (Whittemore of Merrimack Dist. 10; Gilbreth of Merrimack Dist. 12; Asplund of Merrimack Dist. 10; Tolpin of Merrimack Dist. 10; Currier of Dist. 7 - To Public Works)

HB 330-FN-A, relative to exemption from the gasoline tax and state license plates. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Pappas of Hillsborough Dist. 37; Chase of Rockingham Dist. 28; Schotanus of Sullivan Dist. 1; Nelson of Dist. 13 - To Ways and Means)

HB 331-FN-A, to compensate Mary Elaine Crowley for an unjustified termination and making an appropriation therefor. (Rosencrantz of Rockingham Dist. 15; Hollingworth of Rockingham Dist. 17; Palazzo of Rockingham Dist. 16; Pantelakos of Rockingham Dist. 24; Matson of Cheshire Dist. 7; St. Jean of Dist. 20; King of Dist. 2; Stephen of Dist. 18 - To Regulated Revenues)

HB 332-FN-A, relative to motor vehicle wastes, establishing a recycling and reclamation fund, and making an appropriation therefor. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 333, relative to collective bargaining by public employees. (Robinson of Hillsborough Dist. 12; Skinner of Rockingham Dist. 21; Larson of Grafton Dist. 9 - To Labor, Industrial and Rehabilitative Services)

HB 334-FN-A, relative to the adult program special needs allowance and making an appropriation therefor. (Manus of Merrimack Dist. 17; Tarpley of Hillsborough Dist. 9; McLane of Dist. 15 - To Health, Human Services and Elderly Affairs)

HB 335, relative to auctioneers. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 336, relative to senior citizen bingo games. (Jasper of Hillsborough Dist. 19 - To Regulated Revenues)

HB 337, relative to planning boards. (Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

HB 338, relative to the authority of county conventions to hire administrative assistants. (Pappas of Hillsborough Dist. 37 - To Municipal and County Government)

HB 339-FN, relative to the interest rate awarded following an abatement of property taxes. (Ouellette of Hillsborough Dist. 48 - To Municipal and County Government)

HB 340-FN-A, to increase the dollar exemptions under the interest and dividends tax. (Cowenhoven of Hillsborough Dist. 9; Copenhagen of Grafton Dist. 12 - To Ways and Means)

HB 341-FN, relative to cosmetologists and pedicurists. (Domaingue of Hillsborough Dist. 42 - To Executive Departments and Administration)

HB 342-FN-A, relative to a new exemption under the inheritance tax. (Trombly of Merrimack Dist. 4 - To Ways and Means)

HB 343, prohibiting bank service charges on certain accounts of minors. (Trombly of Merrimack Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 344-FN-A, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor. (Beaton of Merrimack Dist. 3 - To Resources, Recreation and Development)

HB 345-FN, relative to interference with hunters, trappers and fishermen. (Pepino of Hillsborough Dist. 37 - To Fish and Game)

HB 346-FN, establishing a committee to study the services provided by certain facilities. (Bennett of Grafton Dist. 8; Barry of Hillsborough Dist. 10; Hill of Grafton Dist. 1; Wright of Hillsborough Dist. 18; Charbonneau of Dist. 14 - To Health, Human Services and Elderly Affairs)

HB 347-FN, relative to renaming wards in Concord. (Teague of Merrimack Dist. 18 - To Constitutional and Statutory Revision)

HB 348-FN, establishing a committee to study damages from construction. (Packard of Hillsborough Dist. 15; Ford of Hillsborough Dist. 24 - To Judiciary)

HB 349-FN-A, establishing a study committee to examine campus use at Laconia developmental services and making an appropriation therefor. (Bolduc of Belknap Dist. 10; Pearson of Belknap Dist. 5 - To State Institutions and Housing)

HB 351, relative to special permits for the use of crossbows by physically handicapped persons. (Matson of Cheshire Dist. 7; Crutchley of Cheshire Dist. 8 - To Fish and Game)

HB 352-FN-A, relative to improvements at the Keene Dillant-Hopkins Airport in Swanzey and making an appropriation therefor. (Hill of Cheshire Dist. 14; Blaisdell of Dist. 10 - To Public Works)

HB 353, prohibiting the use and operation of ski craft on Canaan Street Lake in the town of Canaan. (Christy of Grafton Dist. 11 - To Transportation)

HB 354-FN-A, making an appropriation to fund improvements in Cardigan State Park. (Scanlan of Grafton Dist. 11; Christy of Grafton Dist. 11; Rose of Grafton Dist. 11 - To Resources, Recreation and Development)

HB 355, relative to the African Development Bank. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 356-FN, requiring permits from municipal or state police for purchase of pistols and revolvers. (Mace of Rockingham Dist. 21 - To Public Protection and Veterans Affairs)

HB 357, relative to utility lineworkers. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Bond of Dist. 1 - To Labor, Industrial and Rehabilitative Services)

HB 358, relative to the distance from a dwelling at which a person may discharge a firearm. (Eaton of Hillsborough Dist. 17 - To Fish and Game)

HB 359, relative to statements of minors in civil cases. (Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

HB 360-FN, relative to licensing of solid waste transporters. (Tarpley of Hillsborough Dist. 9; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 361-FN, creating a committee to study the establishment of property districts for the purposes of alternative tax evaluations for island residents. (Guest of Grafton Dist. 12 - To Municipal and County Government)

HB 362-FN, requiring truth in menus. (Barry of Hillsborough Dist. 43 - To Commerce, Small Business and Consumer Affairs)

HB 363-FN, prohibiting the use of steel leg traps in the state. (Barry of Hillsborough Dist. 43; Messier of Hillsborough Dist. 45; Chase of Rockingham Dist. 28; Dykstra of Hillsborough Dist. 39 - To Fish and Game)

HB 364-FN, adding Somersworth to the list of towns eligible for water treatment projects. (Frechette of Strafford Dist. 8 - To Public Works)

HB 365, relative to automobile transporter combinations. (Flanders of Rockingham Dist. 10; Fields of Hillsborough Dist. 13 - To Transportation)

HB 366-FN, prohibiting carnivals, fairs, and amusement parks from offering firearms and certain knives as game prizes. (Lachance of Strafford Dist. 3; Hunt of Cheshire Dist. 9; Alukonis of Hillsborough Dist. 19 - To Public Protection and Veterans Affairs)

HB 367, relative to damages for wrongful death. (Hollingworth of Rockingham Dist. 17 - To Judiciary)

HB 368-FN-A, relative to the commission on the status of women and the board of registration in medicine and making an appropriation therefor. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 369, relative to assumption of a town office after a recount. (Fields of Hillsborough Dist. 13; Dube of Hillsborough Dist. 14; Kelley of Hillsborough Dist. 13; Flanagan of Rockingham Dist. 8; Dupont of Dist. 6; Nelson of Dist. 13 - To Constitutional and Statutory Revision)

HB 370-FN, relative to collision coverage deductibles. (Johnson of Merrimack Dist. 5; Hollingworth of Rockingham Dist. 17 - To Commerce, Small Business and Consumer Affairs)

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor. (Asplund of Merrimack Dist. 10 - To Health, Human Services and Elderly Affairs)

HB 372-FN, relative to forwarding election returns by the state police. (Flanagan of Rockingham Dist. 8 - To Constitutional and Statutory Revision)

HB 373-FN, relative to the use of automatic telephone dialing systems. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; Spear of Cheshire Dist. 13 - To Commerce, Small Business and Consumer Affairs)

HB 374-FN-A, relative to the Head Start program and making an appropriation therefor. (Densmore of Grafton Dist. 3; Robinson of Hillsborough Dist. 12; Wallner of Merrimack Dist. 21; Bond of Dist. 1; Disnard of Dist. 8; Nelson of Dist. 13; McLane of Dist. 15; Podles of Dist. 16 - To Education)

HB 375-FN, relative to long-term care insurance for the elderly. (Fraser of Merrimack Dist. 6; Parks of Strafford Dist. 6; Krasker of Dist. 24; Freese of Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 376-FN, licensing physician assistants. (McCain of Rockingham Dist. 11 - To Health, Human Services and Elderly Affairs)

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions. (Green of Hillsborough Dist. 36; Lown of Hillsborough Dist. 9; Sanderson of Rockingham Dist. 25; Johnson of Dist. 17; Krasker of Dist. 24; Charbonneau of Dist. 14 - To Judiciary)

HB 378, relative to listing candidates on general election ballots. (Jacobson of Merrimack Dist. 2 - To Constitutional and Statutory Revision)

HB 379-FN-A, relative to stipends for social science and humanities teachers to participate in summer training programs and making an appropriation therefor. (Sanderson of Rockingham Dist. 25; Pappas of Hillsborough Dist. 37 - To Education)

HB 380-FN-A, establishing a revolving loan fund for sewage treatment projects and making an appropriation therefor. (McCann of Strafford Dist. 7; Matson of Cheshire Dist. 7 - To Public Works)

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs. (Campbell of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 382-FN-A, to tax the removal of sand, gravel and loam in municipalities and unincorporated places and making an appropriation therefor. (Sherburne of Rockingham Dist. 2; Millard of Merrimack Dist. 4; Greene of Rockingham Dist. 18 - To Environment and Agriculture)

HB 383-FN, relative to special license plates and widows of former prisoners of war. (Green of Hillsborough Dist. 36 - To Transportation)

HB 384-FN, establishing a task force to review the recommendations of the Manchester airport and highway study. (O'Rourke of Hillsborough Dist. 35; Boucher of Rockingham Dist. 23; Bourque of Hillsborough Dist. 35; Emerton of Hillsborough Dist. 36; Upton of Hillsborough Dist. 11; St. Jean of Dist. 20; Stephen of Dist. 18; Podles of Dist. 16; Charbonneau of Dist. 14; Roberge of Dist. 9 - To Public Works)

HB 385-FN-A, to exempt meals prepared in the state house cafeteria from the meals and rooms tax. (Gross of Merrimack Dist. 16 - To Ways and Means)

HB 386-FN-A, relative to improving the financial status of impoverished children and making an appropriation therefor. (Copenhaver of Grafton Dist. 12 - To Children, Youth and Juvenile Justice)

HB 387-FN, relative to tax exemptions for veterans and veterans' surviving spouses. (Frechette of Strafford Dist. 8; Flynn of Strafford Dist. 8; Dupont of Dist. 6 - To Municipal and County Government)

HB 388-FN, establishing a study committee to examine the current state laws on bail and recognizances. (Pepino of Hillsborough Dist. 37 - To Judiciary)

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability. (Matson of Cheshire Dist. 7; Flynn of Strafford Dist. 8; Musler of Strafford Dist. 3 - To Municipal and County Government)

HB 390-FN-A, funding a study of the laws relating to New Hampshire retirement system investment and audit practices. (Campbell of Belknap Dist. 5; Freese of Dist. 4 - To Executive Departments and Administration)

HB 391-FN-A, relative to apportioning gross business profits under the business profits tax. (Grip of Hillsborough Dist. 7 - To Ways and Means)

HB 392-FN, creating a baccalaureate education system trust. (Palumbo of Rockingham Dist. 10; Skinner of Rockingham Dist. 21; Fesh of Rockingham Dist. 7; Long of Hillsborough Dist. 25; Ritzo of Rockingham Dist. 18; Wadsworth of Grafton Dist. 13 - To Education)

RECESS

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 5

Tuesday, January 31, 1989

The House assembled at 1:00 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

In the absence of House Chaplain Rev. John B. McCall, prayer was offered by Rev. Daniel Venable, Associate Pastor of the First Baptist Church of Concord.

Let us pray. Father, I consider it a great privilege to stand before these people and lead them in prayer. Father, it is a great privilege for me to be with them and yet they have great privileges and responsibilities also. It is a privilege for them to be here as we know that Your word says that all authority is given by You. It is a responsibility, for we know that Your word also says: to whom much is given, much is required.

Father, I pray for each man and lady in these halls today, that they will be sensitive to You and to Your word. That they will be ready vessels in Your hands, ready to do Your work and to do Your bidding as they lead Your people of this state.

Thank You for the privilege we have to start this session in prayer, signifying that You are a god that we can worship in this country with freedom. Thank You for this time we have now to start with You and may You be the central thought on each person's mind as they make their decisions today.

We ask this in the name of Your son. Amen.

Rep. Cox led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cote, John King, Ann Derosier, Janet Barry, Palazzo, Clyde Eaton and Brady, the day, illness.

Reps. Tolpin, Musler, Genest, Rheault, Peters, Pelley, and Gourdeau, the day, important business.

Reps. Meserve, Joseph MacDonald and Ellen Dube, the day, illness in the family.

Reps. Blacketor, Rodeschin and Scamman offered the following:

HOUSE RESOLUTION NO. 14

honoring student-athlete Mark Tremblay of Newport, New Hampshire

WHEREAS, Mark Tremblay is a senior at Newport High School, an outstanding student who ranks first in his class with a perfect 4.0 grade-point average, and

WHEREAS, being an outstanding student, Mark Tremblay has collected numerous academic awards and prestigious honors, including being named recipient of the Bausch and Lomb Science Award, and the Awards for History and for Citizenship given by the Daughters of the American Revolution, and

WHEREAS, Mark Tremblay is a member of the National Honor Society, and is the student representative on the Newport School Board of Education, and

WHEREAS, Mark Tremblay was selected a 1988 New Hampshire Math All Star, and attended St. Paul's School Advanced Studies Program in Concord, and

WHEREAS, Mark Tremblay is an outstanding varsity athlete who competed in skiing, baseball and football, and

WHEREAS, Mark Tremblay has been selected recipient of the 1988 Thom McAn New Hampshire High School Football Scholar-Athlete Award, and

WHEREAS, by virtue of winning the New Hampshire award, Mark Tremblay will compete with ten other students from throughout the country for the national Thom McAn award, now therefore be it

RESOLVED, by the Speaker of the House that Mark Tremblay be saluted and accorded the highest recognition for his outstanding academic achievements, and be it further

RESOLVED, that Mark Tremblay be extended best wishes for success in the national scholarship competition, and that a suitable copy of this Resolution be prepared for presentation to him.

Adopted.

INTRODUCTION OF GUESTS

John Sokul, Superintendent SAU #43, Anne Segal, Assistant Superintendent SAU #43, John Lucanio, Jr., Principal Newport High School, Mr. and Mrs. Wilfred Tremblay, parents, and Tammy Tremblay, sister of Mark Tremblay, guests of the Newport delegation, Reps. Rodeschin, Flint and Peyron; Phyllis A. Raynowska, wife of Rep. Raynowska; the Fourth Grade class from Dublin Consolidated School and their teacher Charlotte Forstin, guests Rep. Avery; John Marquis of Amherst, guest of Rep. Wright; Finlay Rothhans of Merrimack, guest of Rep. Fields; Priscilla Brown, wife of Rep. Lewis Brown; four interpreters and three children from the Hearing Impaired Program of the Little Harbor School, Portsmouth, including Claire Sheriden, Group Leader and Danny, Dave and Jaime, guests of Rep. Bell.

VACATE

Rep. Sytek moved that the House vacate the reference of HB 243, enabling cities and towns to tax antenna towers to the Committee on Ways and Means.

Adopted.

The Speaker referred HB 243 to the Committee on Municipal and County Government.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 51, relative to a vehicle width on certain highways, was removed at the request of Rep. Keans.

Adopted.

HB 23, reviving the charter of the Sportsmen's Club of Wolfeboro, New Hampshire. Inexpedient to Legislate.

Under RSA 292:30, a charter of a nonprofit organization may be revived in the Office of the Secretary of State. Upon filing with the Secretary of State, the corporation shall be revived with the same force and effect as if its charter had not been forfeited. This bill is not necessary. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 72, relative to delays in civil proceedings caused by attorneys. Inexpedient to Legislate.

With due respect to the bill's sponsor, the state currently has laws on the books to address court delays and frivolous lawsuits. The Committee feels it is not necessary to

build a new road simply because an available avenue was not used. Vote 18-0. Rep. DonnaLee M. Lozeau for Judiciary.

HB 114-FN, allowing the district courts to approve petitions for services other than counsel. Ought to Pass.

This bill grants to the District Courts the power to approve petitions for services other than counsel for indigent defendants. Because of the Unified Court System, the need to limit the petition to the Superior Court no longer exists. Vote 19-0. Fiscal Note pending. Rep. Alf E. Jacobson for Judiciary.

(Regular Calendar)

HB 17, changing the language of the oath administered to petit jurors in criminal cases. Ought to Pass.

This bill would modernize the language of the oath administered to petit jurors in criminal cases. Vote 16-3. Rep. Beverly A. Hollingworth for Judiciary.

Rep. Healy moved that the words, Inexpedient to Legislate be substituted for the Committee Report. Ought to Pass, spoke to his motion and withdrew his motion.

Question now being adoption of the Committee report. Ought to Pass.

Ordered to third reading.

HB 75, repealing a provision allowing probation-parole officers to carry firearms. Inexpedient to Legislate.

The Committee was convinced that it was most inappropriate to disarm parole/probation officers. Their duties, in dealing with parolees, require much night work, and take them into isolated locations; to be unarmed would place them in a position of jeopardy, in dealing with persons who generally mistrust, and are antagonistic to all members of the law enforcement community. Additionally, the policies and procedures, promulgated by the Commissioner of Corrections, are complete as to weapons safety and training of parole officers. The present system is working, don't fix it! Vote 11-2. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

Resolution adopted.

HB 52, relative to rail accident reporting requirements. Ought to Pass

This bill requires that the Transportation Commissioner be notified of all rail accidents and requires him to investigate the causes of such accidents. It also gives the Commissioner the authority to implement rules regarding such notification.

The close vote was caused by a disagreement on the feasibility of adding an amendment, not necessarily over the content of the bill. Vote 9-8. Rep. Roger Stewart for Transportation

Rep. White offered an amendment.

Amendment

Amend the bill by replacing section 1 with the following:

1 Notification of All Accidents Required. Amend RSA 367:56 to read as follows:

367:56 Accidents. The commissioner shall require *notification and* reports of all accidents [involving derailments or personal injury, or both, including loss of life, and investigate all such accidents] *happening on all active railroad lines in the state and shall investigate the causes of such accidents. The commissioner shall adopt rules under RSA 541-A regarding minimum notification requirements.*

AMENDED ANALYSIS

This bill requires that the transportation commissioner be notified of all rail accidents on active railroad lines and gives him authority to implement rules regarding notification.

Rep. Hoar spoke against the amendment.

Amendment lost.

Question being adoption of the Committee Report, Ought to Pass.

Report adopted.

Ordered to third reading.

HB 69, relative to highway vending facilities operated by the blind. Ought to Pass.

This bill amends the present statute on vending machines in rest areas along the state highway system to conform with a federal law which gives priority to vending machines operated by blind persons on federally-funded highways. This bill would create jobs for blind persons, and profits would be deposited in the vending-stand programs account. Vote 16-1. Rep. Richard L. Haynes for Transportation.

Report adopted.

Ordered to third reading.

HB 51, relative to a vehicle width on certain highways. Ought to Pass.

The present law allows motor vehicles 102 inches in width to operate only on any way at least 12 feet wide. The passage of this bill would allow motor vehicles 102 inches in width to operate on any way. The change would bring New Hampshire's statute in line with the federal guidelines. Vote 17-0. Rep. Roger Stewart for Transportation.

Rep. Pearson yielded to questions.

Rep. Vaughn moved to Recommit HB 51 to the Committee on Transportation.

Rep. Stewart spoke against the motion.

Rep. Haynes spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 262

NAYS 101

YEAS 262

BELKNAP

Ballou, Richard A.
Holbrook, Robert G.
Randall, Kenneth A.
Vogler, Charles C.

Golden, Paul A.
Locke, Matthew J.
Richardson, Lawrence

Hawkins, Robert S.
Maviglio, Steven R.
Rosen, Ralph J.

CARROLL

Allard, Nanci A.
Foster, Robert W.

Chase, Russell C.
Olimpio, J. Lisbeth

Daly, Robert J., Jr.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Kenneth A.
Doucette, Richard F.
Hunt, John B.
Matson, William R.
Morse, JoAnn T.
Spear, Susan S.

Barber, Robert E., Jr.
Cole, Stacey W.
Foster, Katherine D.
LaMar, David M.
Metzger, Katherine H.
Pearson, Gertrude B.
Young, David A.

Blacketor, Paul G.
Crutchley, Donald O.
Hill, Douglas E.
Laurent, John J.
Miller, Jeffrey C.
Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
Mayhew, Josephine

Kilbride, Dennis J.
Oleson, Otto H.

Lemire, George
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Densmore, Edward D.
Eno, Larry E.
Larson, Nils H., Jr.
Wadsworth, Karen O.

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David O.
Guest, Robert H.
Nordgren, Sharon L.
Ward, Kathleen W.

Bean, Pamela B.
Copenhaver, Marion L.
Driscoll, William J.
LaMott, Paul I.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Elliott, Larry G.
Ford, Nancy M.
Green, Scott E.
Harlan, Susan N.
Hidalgo, Hector J.
Jenkins, Mary
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
Lozeau, Donnalee M.
McDowell, James E.
Messier, Irene M.
Nardi, Theodora P.
Pappas, Toni
Riley, Frances L.
Sallada, Roland A.
Soucy, Lillian E.
Upton, Barbara A
Wright, George W.

Alukonis, David J.
Beaupre, Roland O.
Burkush, Peter A.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Hatch, William H.
Jasper, Shawn N.
Johnson, Lionel W.
Kelley, Robert N.
Kress, Gloria W.
Long, Linda D.
McCann, Bonnie Lou
McNerney, Daniel P.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Steiner, Lee Anne S.
Vanderlosk, Stanley R.

Amidon, Eleanor H.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Goulet, Maurice E.
Hall, Betty B.
Healy, Daniel J.
Jean, Romeo W.
Jones, Michael E.
Klose, John F.
Kurk, Neal M.
Lown, Elizabeth D.
McCarthy, Daniel M.
McRae, Karen
Murphy, Robert E.
Packard, Bonnie B.
Provost, Gilles R.
Sage, Ronald P., Jr.
Smith, Leonard A.
Tarpley, Nancy L.
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert
West, George M.

Apple, Lowell D.
Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.
Soldati, Jennifer
Trombly, Rick A.
Whittemore, James A.

Barberia, Richard A.
Braiterman, Thea G.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Kidder, William F.
Nichols, Avis B.
Provencal, Leo A.
Stio, Peter M.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Buco, Stephen W.
 Caswell, Albert, Jr.
 Cooke, Annette M.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Parsons, Robert F.
 Ritzo, Eugene
 Sanderson, Patricia O.
 Seward, Russell G.
 Skinner, Patricia M.
 Stachowske, Vicki
 Vaughn, Charles L.

Bell, Juanita L.
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, George N.
 MacDonald, Maurice B.
 McCain, William F.
 McKinney, Betsy
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Welch, David A.

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Conroy, Janet M.
 Fesh, Robert M.
 Gage, Beverly A.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 Katsakiores, Phyllis M.
 MacKinnon, Nancy W.
 McCarthy, John J., Jr.
 Micklon, Stephanie K.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Roulston, Donald L.
 Senter, Marilyn P.
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Frechette, Roland A.
 Kincaid, William K.
 Martling, W. Kent
 O'Brien, John
 Swope, Warren L.
 Wall, Janet G.

Burton, Wayne M.
 Flynn, Anita A.
 Gilmore, Gary R.
 Lachance, Douglas A.
 McCann, William H., Jr.
 Parks, Joe B.
 Tsiros, William
 Wheeler, Katherine Wells

Callaghan, Robert J.
 Foss, Patricia H.
 Keans, Sandra B.
 Marston, Robert E.
 Merrill, Amanda A.
 Spencer, Leo J.
 Vincent, Francis C.
 Young, John B.

SULLIVAN

Brodeur, Robert J.
 Flint, Gordon B.
 Lucier, Edward A., Jr.
 Stamatakis, Carol M.

Burling, Peter Hoe
 Harland, Jane A.
 MacAskil, Kenneth M.

Domini, Irene C.
 Hinrichsen, Keith L.
 Middleton, John A.

**NAYS 101
BELKNAP**

Bolduc, Dennis R.
 Pearson, Ralph W.
 White, James J.

Campbell, Richard H., Jr.
 Rice, Thomas E. P., Jr.
 Ziegra, Alice S.

Hardy, Earle D.
 Turner, Robert H.

CARROLL

Chandler, Gene G.
 MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
 Powers, Gerard E., Jr.

Dodge, Arthur G., Jr.
 Saunders, Howard N.

CHESHIRE

Delano, Robert F.
 Grodin, Richard A.

Eaton, Daniel A.
 Perry, David M.

Gordon, Irvin H.

COOS

Brungot, Catherine V.
 Guay, Lawrence J.

Burns, Harold W.
 Horton, Lynn C.

Dumont, Robert E.
 Marsh, Beaton

Merrill, Gerald P.

Nelson, Harold D.

Theriault, Romeo J.

GRAFTON

Brown, Channing T.

Christy, C. Dana

Hill, Richard L.

Markley, J. Keith

Rose, William B.

Scanlan, David M.

Stewart, Roger

Townsend, Howard C.

Whitcomb, Henry F., Jr.

HILLSBOROUGH

Bicknell, Robert C.

Boucher, Lionel R.

Bourque, Ann J.

Desrochers, Gerard T.

Donovan, Francis X.

Emerton, Lawrence A., Sr.

Frank, Nancy G.

Grip, Robert H.

Guilbert, Lionel

Holden, Carol H.

Hultgren, David D.

Hunter, Bruce F.

Lachut, Ervin R.

Lefebvre, Roland J.

Mason, Howard F.

Morrisette, Roland A.

Ouellette, Robert O.

Pepino, Leo P.

Perham, Lester R.

Pignatelli, Debora B.

Record, Alice B.

Rodgers, G. Philip

Schneiderat, Catherine A.

Stiles, Walter A.

Turgeon, Roland M.

Tyree, Paul M.

Wheeler, David K.

Young, Willard N.

MERRIMACK

Asplund, Bronwyn L.

Boucher, Laurent J.

Lockwood, Robert A.

Pfaff, Terence R.

Smith, Gerald R.

ROCKINGHAM

Drake, Herbert R.

Felch, Charles H., Sr.

Flanagan, Natalie S.

Flanders, Harry E.

Flanders, John W., Sr.

Gage, Thomas U.

Hoar, John, Jr.

King, Roger C.

Klemarczyk, Thaddeus E.

Klemm, Arthur P., Jr.

Magoon, Harold F.

Malcolm, Kenneth W.

Raynowska, Bernard J.

Sytek, Donna P.

Warburton, Calvin

Wright, David B.

STRAFFORD

Bernard, Mary E.

Bickford, Drucilla

Brown, Julie M.

Flynn, Edward J.

Kinney, Paula J.

Scharff, Thomas E.

Stewart, Glenn W.

Sullivan, Henry P.

Torr, Ann M.

Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.

Krueger, Richard H.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

and HB 51 was recommitted to the Committee on Transportation.

HOUSE RULES**1989 SESSION**

(As Adopted By The House January 4, 1989)

THE DUTIES OF THE SPEAKER

1. The Speaker shall take the chair at precisely the hour to which the House has adjourned. He shall immediately call the members to order and they shall take their seats. The members shall activate their voting stations as soon as they take their seats; when they leave their seats for any reason they shall deactivate their stations.

2. The Speaker shall preserve decorum and order, and may speak on points of order in preference to other members, and shall decide questions of order, subject to an appeal to the House by any two members. The appeal shall be decided by a majority vote of those members present and voting.

3. The Speaker shall appoint all committees unless otherwise directed by the House, subject to the provisions of Rule 27.

4. The Speaker shall refer to the appropriate committees all bills, resolutions, memorials, petitions, accounts, and other matters coming before the House, unless otherwise ordered by the House. Upon recommendation of the Committee on Rules, the Speaker may refer the same jointly to two committees or to a special committee.

5. The Speaker shall not be called on to vote unless the vote by the House is tied, or unless his vote, if given to the minority, will make the vote tied. If the vote is tied after the Speaker votes, the question shall be lost, as provided in Rule 22.

6. The Speaker shall sign all bills, resolutions, and addresses after passage. All warrants, subpoenas and other processes issued by order of the House shall be signed by the Speaker and attested to by the Clerk.

7. The Speaker or chairman of the committee of the whole House shall have the power to order the gallery cleared in cases of any disturbance or disorderly conduct.

8. (a) The following persons shall be admitted within the door of the Representatives' chamber while the House is in session: House members and officers, the Governor, Council members, Senate members, the Secretary of State, the Treasurer and the Senate Clerks.

(b) No other person shall be admitted within the door of the Representatives' chamber except with the permission of the Chair.

(c) No lobbyist, department head or other non-member who is closely connected with legislation pending before the House shall be permitted on the floor of the House or in the House Sergeant-at-Arms area while the House is in session.

(d) At public hearings, parties, their counsel and witnesses may also be admitted, under the direction of the Speaker.

9. The Speaker shall have power to substitute any member to perform the duties of the Chair. If the Speaker is absent, he shall designate a member to perform the duties of the Chair unless otherwise ordered by the House.

DECORUM AND DEBATE

10. In all cases not provided for by the Constitution, House Rules or Joint Rules, "Mason's Manual of Legislative Procedure," 1989 Edition, shall be referred to as the primary guide.

11. When any member is about to speak in debate, make a motion, or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker, declaring the purpose for which he rises to speak.

12. In all cases the member rising first shall speak first. When two or more members rise at the same time, the Speaker shall name the person to speak. When many members choose to speak, they may file their names with the Clerk, who shall supply the list to the Speaker. The Speaker shall name the order in which the members shall speak.

13. No member shall speak more than twice on the same question without leave of the House. No member shall speak more than once until every member choosing to speak has spoken.

14. While the Speaker is putting a question or addressing the House, no one shall walk out of or across the House. While a member is speaking, no one shall pass between him and the members of the House, nor shall anyone entertain private conversation.

15. If any member transgresses the rules of the House, the Speaker shall, or any member may, call him to order. The member called to order shall immediately sit down and the question of order shall be distinctly stated from the Chair. The decision of the Speaker on the question of order shall be conclusive unless the decision is immediately appealed to the House. The House shall decide the appeal by a majority vote of those members present and voting.

16. No member shall vote in any case when he was not present when the question was put. No member may vote on any question in which he is interested, whether directly or indirectly, to a degree that may significantly impair the independent and impartial exercise of that member's judgment as a legislator. If a member takes this rule for purposes of voting, he shall inform the Clerk, who shall inform the House.

17. Before any petition is received and read, the substance of the petition shall be in concise form, and the name of the member or person presenting it and his district shall be recorded on the petition. The Speaker shall state the substance of the petition.

18. After a motion is stated by the Speaker, it shall be in possession of the House, but may be withdrawn at any time before an amendment.

19. (a) When any question is under debate, no motion shall be received, but, first: to adjourn; second: to lay on the table; third: for the previous question; fourth: to postpone to a certain day; fifth: to commit; sixth: to amend; seventh: to postpone indefinitely. These motions shall have precedence in order in which they are listed. Motions to adjourn, to lay on the table, for the previous question, and to take from the table shall be decided without debate. A motion to postpone to a certain day shall be debatable both as to time and subject matter. No vote on a motion to lay on the table a Constitutional Amendment Concurrent Resolution shall pass unless approved by an affirmative vote of three-fifths of the entire House membership.

(b) When a question is postponed indefinitely, it shall not be acted on during the same session unless, on a division vote, two-thirds of the elected members vote in favor thereof.

(c) On a motion to amend, the refusal by the maker of the amendment to strike out words shall neither preclude amendment to such words nor a motion to strike out and insert.

(d) A motion for commitment shall preclude all amendments to the main question until it is decided; and all motions and reports may be committed at the pleasure of the House.

(e) No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

20. (a) The Speaker shall put the previous question in the following form: "Shall the main question now be put?" and all debate on the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the House shall forthwith be taken on pending amendments, in their regular order, and then on the main question. The motion for the previous question shall not be put unless demanded by three members.

(b) All incidental questions of order arising after a motion of the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

(c) If the previous question is decided in the negative, it shall not again be in order for the particular question under consideration until after adjournment, but the main question shall be left before the House and disposed of as though the previous question had not been put.

21. (a) There shall be three forms of putting the question: voice vote, division vote, roll call vote.

(b) The question put by voice vote shall be: "All those in favor of the question say 'aye,'" and after the affirmative vote is expressed, "Those of a contrary opinion say 'no.'"

(c) A division vote shall be taken if the Speaker doubts the voice vote or if a member calls for a division vote. When a division of the House is taken, the Speaker may appoint a teller for each seating division of the House, who shall report to the Chair the state of the vote.

(d) A roll call shall be taken when a member moves for a roll call vote and that motion is seconded by five other members.

(e) When a division or roll call is taken, the Speaker shall put the question and open the voting stations for not more than 30 seconds. Each member present at his voting station shall press either the YES or NO button unless excused by the House for a special reason. When the Speaker closes the vote, he shall rise and state the decision of the House.

(f) Any member may call for a division of the question when the sense will admit it.

22. In case of a tie vote, the question shall be lost.

23. No member shall leave his seat while the voting machine is in use and until the Speaker announces the result of the vote.

24. (a) No vote shall be reconsidered unless the motion for reconsideration is made by a member who voted with the prevailing side and while the bill or resolution is in the possession of the House.

(b) Notice of a motion for reconsideration shall be in order only when given to the House in open session prior to adjournment:

(1) on the same day on which the vote was passed;

(2) on the next day when the House will be in session within one-half hour after the convening of the early session.

(c) Any such notice of reconsideration shall be effective for three legislative days only and thereafter shall be null and void. The first legislative day shall begin when (1) notice of reconsideration is given while the House is still in session during the same day that action was taken on the bill or resolution, or (2) when notice is given on the next legislative day within the first half hour after convening the early session.

(d) Reconsideration of any bills subject to a transfer date established by joint rules must be acted upon on or before the joint rule deadline, and thereafter shall be null and void.

(e) When notice of reconsideration is received by the House, the Clerk of the House shall hold the bill or resolution relative to which such notice has been served until the expiration of the time within which such notice is effective.

25. When the reading of a paper or a document is objected to by a member, the question shall be determined by a vote of the House without debate.

26. Each member shall seasonably and punctually attend to his duty in the House or committee, and no one shall be absent from the service of the House or committee unless he has leave, or is sick and unable to attend.

COMMITTEES AND THEIR DUTIES

27. The membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the House mem-

bership of the majority party bears to the House membership of the minority party. No member shall serve on more than two standing policy committees. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party floor leader. Notwithstanding the provisions of this rule, the Speaker and the minority party floor leader may agree on a different proportion for the membership of any particular committee.

28. No member shall sit on any committee when he is directly or indirectly interested in the question under consideration. In case of such interest, the member shall report the fact to the House, and another member may be substituted on that question in his place.

29. The following standing policy committees, to consist of not more than 23 members each, shall be appointed at the commencement of any session: Appropriations; Children, Youth and Juvenile Justice; Commerce, Small Business and Consumer Affairs; Constitutional and Statutory Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game; Health, Human Services and Elderly Affairs; Judiciary; Labor, Industrial and Rehabilitative Services; Legislative Administration; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Rules; Science, Technology and Energy; State-Federal Relations; State Institutions and Housing; Transportation; and Ways and Means. The Speaker shall be one of the members of the Committee on Rules.

(a) It shall be the duty of the Committee on Appropriations to examine and consider the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money, except claims against the state; and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

(b) It shall be the duty of the Committee on Children, Youth and Juvenile Justice to consider matters relating to children, youth and juveniles, their rights, obligations and protection; matters relating to juveniles and the justice system and such other matters as may be referred to it.

(c) It shall be the duty of the Committee on Commerce, Small Business and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions; insurance companies and contracts or insurance of any character; the needs of the small business community; all matters relating to consumer affairs and the economic conditions of commerce and industry; and such other matters as may be referred to it.

(d) It shall be the duty of the Committee on Constitutional and Statutory Revision to consider all matters concerning the Constitution, including proposed Constitutional Amendments and any proposals for revision of the Constitution; matters relating to the election laws of the state, the repeal or recodification of existing statutes, and other matters relating to the statutes of the State; and such other matters as may be referred to it.

(e) It shall be the duty of the Committee on Education to consider subjects relating to the regulation of school districts and schools; the University System of New Hampshire; matters concerning education; and such other matters as may be referred to it.

(f) It shall be the duty of the Committee on Environment and Agriculture to consider all matters concerning agricultural and farm problems of the state; physical land use; the various agricultural organizations; the protection of the state's environment from forms of pollution other than water pollution; waste management issues and such other matters as may be referred to it.

(g) It shall be the duty of the Committee on Executive Departments and Administration to consider matters pertaining to the general administration of state laws and changes therein; matters of policy pertaining to the executive departments; and such other matters as may be referred to it.

(h) It shall be the duty of the Committee on Fish and Game to consider all matters concerning conservation, improvement and preservation of fish and game within the state; and such other matters as may be referred to it.

(i) It shall be the duty of the Committee on Health, Human Services and Elderly Affairs to consider all matters concerning the health of the inhabitants of the state; vital statistics; medical and related professions, the administration of welfare activities by the state government; matters relating to the special needs of our elderly citizens and such other matters as may be referred to it.

(j) It shall be the duty of the Committee on Judiciary to consider all matters relating to the judicial system of the state; matters involving major changes in public policy; and such other matters as may be referred to it.

(k) It shall be the duty of the Committee on Labor, Industrial and Rehabilitative Services to consider all matters relating to labor, wages, and workers' compensation including unemployment compensation and incentive programs, collective bargaining and binding arbitration; matters relating to job retraining and employee rehabilitative services and other matters relating to balancing the rights of employees to the needs of the industrial sector; and such other matters as may be referred to it.

(l) It shall be the duty of the Committee on Legislative Administration to consider all matters pertaining to the legislative process including mileage, elections, the journal, house resolutions and screening; and such other matters relating to legislative administration as may be referred to the committee. Any matter referred by the chairman to any subcommittee may be reported by that subcommittee directly to the House unless otherwise ordered by the chairman.

(1) It shall be the duty of the Subcommittee on Elections to examine and report on the credentials of the members elected to serve in the House and to consider all petitions and other matters in relation to such elections or returns as shall be presented or come into question and may be referred to it.

(2) It shall be the duty of the Subcommittee on the Journal from day to day and before the commencement of the early session to examine the Journal of the preceding day and report to the House at once any errors; provided, however, that the Journal of the preceding day shall be read at the opening of the early session whenever requested by any 10 members.

(3) It shall be the duty of the Subcommittee on Mileage and Roll Call to determine the distance traveled by each member of the House and report to the House the names of the several members and the mileage allowed to each; and to make recommendations as to the use of the voting machine.

(4) It shall be the duty of the Subcommittee on House Resolutions and Screening to examine all House congratulatory and commemorative resolutions and proposed non-legislative activities for the purpose of determining whether or not they are of sufficient importance or interest to warrant being brought before the House. No

such resolutions or activities shall be brought before the House unless they are approved by the subcommittee. Any such resolutions or activities brought before the House with the approval of the subcommittee shall be scheduled so as not to interfere with the official business of the House. The term "non-legislative activities" shall include the introduction of House guests, seat-pocket insertions and journal announcements. The subcommittee shall also examine proposed legislation filed with the Office of Legislative Services to prevent, where possible, the duplication of bills or resolutions of a similar nature or content.

(m) It shall be the duty of the Committee on Municipal and County Government to consider all matters pertaining to the salaries of town, city and county officers; changes in municipal and county government; the boundary lines of towns, cities and counties; the creation of new towns, cities and counties; and such other matters as may be referred to it.

(n) It shall be the duty of the Committee on Public Protection and Veterans Affairs to consider all matters affecting public protection including, but not limited to, law enforcement and the training of law enforcement officers; fire safety; emergency management and all matters pertaining to the National Guard and other military or veterans' organizations existing within the state; and such other matters as may be referred to it.

(o) It shall be the duty of the Committee on Public Works to consider all matters pertaining to public highways, buildings, and capital construction; matters pertaining to the protection, improvement and preservation of the coastline; the care of state memorials and monuments; and such other matters as may be referred to it.

(p) It shall be the duty of the Committee on Regulated Revenues to consider all matters relating to the State Liquor Commission and the liquor laws of the state; the State Sweepstakes Commission and the sweepstakes laws of the state; the New Hampshire Pari-Mutuel Commission; and such other matters as may be referred to it.

(q) It shall be the duty of the Committee on Resources, Recreation and Development to consider all matters relating to natural resources, water pollution and control; parks and recreational areas; recreational industries; matters concerning state controls on property development; and such other matters as may be referred to it.

(r) It shall be the duty of the Committee on Rules to consider all matters pertaining to House procedure rules; to operate the House calendar and assist the Speaker in expediting the business of the session; and to recommend rules of proper debate.

(s) It shall be the duty of the Committee on Science, Technology and Energy to consider all matters pertaining to energy; all matters pertaining to the application of technological advances to the legislative process and the operation of state government; to coordinate the flow of information about technical and scientific matters to state and federal agencies and legislative committees; to monitor legislation referred to other committees in order to make suggestions for inclusion of technological improvements where warranted; and such other matters as may be referred to it.

(t) It shall be the duty of the Committee on State-Federal Relations to consider potential actions by the U.S. Congress which will have a major impact on the state and the New England region and all proposed resolutions petitioning the Congress on any matter; to develop communication with the congressional delegation; to serve as a liaison between the New Hampshire House and the United States Congress, the New England Legislative Caucus and such other legislative organizations to which state appropriations are made; to consider all interstate compacts and legislation affecting our relations with other states; and such other matters as may be referred to it.

(u) It shall be the duty of the Committee on State Institutions and Housing to consider all matters concerning the administration of the New Hampshire Hospital, New Hampshire State Prison, New Hampshire Youth Development Center, Glencliff Home for the Elderly, Laconia State School and Training Center, the Soldiers' Home and the State Library; matters relating to housing, landlord/tenant relations, leasing, purchasing, and conversion provisions; and such other matters as may be referred to it.

(v) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of air, land and water transportation; and such other matters as may be referred to it.

(w) It shall be the duty of the Committee on Ways and Means to examine and consider the state of the treasury; to consider and report on all bills and resolutions relating to raising money by a state tax and the apportionment of same; and all other methods for raising revenue for the state; and such other matters as may be referred to it.

30. The committees shall promptly consider and report on all matters referred to them. The standing committees, or any special committees, shall meet during the session in the respective committee rooms at such times as the committee may determine, unless the House shall otherwise order. No committee shall meet while the House is in session unless the Speaker shall consider it necessary. The Speaker may authorize any committee having a heavy workload to meet as needed on non-legislative days.

31. The first-named member of any committee appointed by the Speaker shall be chairman; and in case of his absence or being excused by the House, the next-named member shall be chairman, and so on, as often as the case may happen, unless otherwise ordered by the Speaker.

32. When any committee shall report in a manner other than by bill, it shall, if the subject permits, submit with its report resolutions calling for such action as the committee shall recommend.

33. Whenever it is not convenient for any standing committee to attend properly to all the business which has been referred to it, the Speaker may, on a vote of the House to that effect, appoint an additional committee on the same subject, to consist of the same number of members as the original committee. The new committee's duty shall be to take into consideration all matters in relation to the subject which has been referred to it by the House, and to report thereon.

BILLS

34. (a) In the first-year session, there shall be no limitation on the type of legislation introduced.

(b) In the second-year session, any bill or legislation may be introduced except legislation substantially similar to any bill or legislation which was indefinitely postponed or voted inexpedient to legislate in the House in the first-year session, unless however, it has been approved by a majority of the Committee on Rules or a two-thirds vote of the House, whether as a bill, an amendment, a committee of conference report or in any other manner.

35. (a) All petitions, memorials and other papers addressed to the House and all bills and resolutions to be introduced in the House shall be delivered or caused to be delivered to the Office of Legislative Services by the person presenting them. The Office of Legislative Services shall prepare those bills, resolutions, petitions, memo-

rials and other papers in proper form and shall present them to the member for signature. Legislative Services shall give precedence in drafting legislation to any measure which carries an appropriation and all such legislation shall be prepared for signature by the sponsor by the date specified in Rule 67.

(b) All bills, resolutions, bills of intent, petitions, memorials and other papers addressed to the House, shall be endorsed with the name and the district of the person presenting them and with the subject matter of the same. Each bill shall be marked on the first page "House Bill" and numbered serially; each bill of intent shall be marked "House Bill of Intent" and numbered serially; each joint resolution shall be marked "House Joint Resolution" and numbered serially; each concurrent resolution proposing a constitutional amendment shall be marked "Constitutional Amendment Concurrent Resolution" and numbered serially; and other concurrent resolutions shall be marked "House Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the House.

(c) When a bill is proposed by any state agency, the name of the agency proposing it shall appear on the first page together with the name of the legislative sponsor.

(d) No LSR number shall be assigned and no House bill shall be drafted unless the LSR or bill has a House sponsor. If more than five House members wish to be sponsors, the person who first requested the drafting of the bill, joint resolution, constitutional amendment concurrent resolution, or bill of intent shall determine the names of the four co-sponsors whose signatures are required for introduction. Other House members may be added as co-sponsors by notifying the Clerk prior to the date of the first public hearing on the proposal, and their names shall be recorded in the permanent journal of that session. The approval of up to five House members shall be sufficient for the introduction of any bill, joint resolution, constitutional amendment concurrent resolution, or bill of intent.

(e) If a drafting request for a bill or resolution, filed with the Office of Legislative Services, requires a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the Legislative Budget Assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal. If such a request is filed on a confidential basis, the substance or a draft of the proposal shall be provided to the Legislative Budget Assistant without disclosing the identity of the sponsor and shall be marked confidential and not disclosed by the Legislative Budget Assistant.

(f) For the purposes of these rules, "money bills" are those that either appropriate money or raise state revenues whether new or existing.

36. (a) Any member may submit a bill of intent which shall be a document written in plain language setting forth a problem of concern but not necessarily proposing a change in existing statutes. For the purpose of introduction, printing, and committee referral, a bill of intent shall be treated the same as a bill.

(b) Any committee receiving a bill of intent is required to report its action to the House. If legislation is recommended, the bill of intent shall be subject to the same rules and deadlines established for bills. In any case, the committee shall meet with the sponsor of a bill of intent and may, by majority vote, choose to hold a public hearing. Bills of intent referred to interim study shall be reported by the same date and in the same manner as other bills.

37. (a) No request by a member of the House for drafting a bill or joint resolution other than the general budget or the capital budget bill, shall be accepted by the Office of Legislative Services for processing unless the subject matter of the legislation, with

complete information necessary for drafting, has been filed with said service no later than the date specified by Rule 67.

(1) This deadline shall not apply to bills of intent which may be accepted by the Office of Legislative Services until the date specified by Rule 67.

(2) This deadline shall not apply to House Resolutions proposing policy positions if those resolutions may be accepted for drafting by the Office of Legislative Services any time prior to the established deadline for introduction of House bills and resolutions.

38. (a) The sponsor of any bill, resolution, joint resolution, or concurrent resolution, that proposes the House take a policy position, or bill of intent shall sign the legislation for introduction within five working days, excluding Saturdays, Sundays, and holidays, after notification by the Office of Legislative Services that the legislation is ready for signature. The five-day sign-off period shall begin to run at the time when the draft legislation is ready, whether or not the fiscal note has been prepared. The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period, with a notice of the sign-off deadline date. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within five working days after notification that the new draft is ready for signature.

(b) If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fails to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced without suspension of this rule.

(c) The introduction deadlines set by Rule 67 shall supersede the time limits set forth in this Rule.

39. All joint resolutions shall be treated in the same manner as bills.

40. (a) All House Bills, House Joint Resolutions, House Concurrent Resolutions and House Resolutions proposing that the House take a policy position may be introduced at any time prior to any deadline established by the House for their introduction.

(b) Bills of Intent may be introduced into the House at any time prior to any deadline established by Joint Rules for the transfer of bills out of the first body.

(c) Exceptions:

(1) Notwithstanding any other provisions of the Rules, a House Bill, House Joint Resolution, House Bill of Intent or House Concurrent Resolution may be accepted by the Office of Legislative Services for drafting and introduced into the House at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor; and

(2) House Resolutions proposing that the House take a policy position may be accepted for drafting and introduced into the House at any time after the deadline for introduction of bills and resolutions if approved by either a majority of the Committee on Rules, or a two-thirds vote on the floor.

41. Every bill, resolution, joint resolution, and concurrent resolution proposing that the House take a policy position shall have three separate readings in the House prior to its passage. The first and second readings and referral to committee shall be by title only which may be accomplished by a conglomerate motion, after which the bill shall

be referred by the Speaker to the appropriate committee and shall be printed as provided in Rule 42, unless otherwise ordered by the House. No bill or resolution after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills, resolutions, and joint resolutions shall be in the late session unless otherwise ordered by the House. The orders of the day for the reading of bills shall hold for every succeeding day until disposed.

42. After each bill has been read a second time and referred by the Speaker to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the Legislature, and distribute them to the members. When printed, the bill shall be delivered immediately to the committee to which it has been referred. Bills received from the Senate shall be printed at the same stage of their procedure unless they have been printed in the Senate and copies distributed in the House, in which case, any amendment made by the Senate shall be duplicated and distributed in the House.

43. (a) A hearing shall be held on each bill referred to a committee. Notice of the hearing shall be advertised in the House Calendar no less than four days prior to a hearing.

(b) Notices of informational and work sessions shall be printed in the House Calendar or announced on the floor of the House. No public testimony or executive vote shall be taken at informational or work sessions.

(c) When requested by the President of the Senate, the Speaker may authorize and direct the appropriate House committee or committees to sit with the appropriate Senate committee or committees at a public hearing of any Senate bill, and no further public hearing on such bill shall be required when such bill is received subsequently in the House from the Senate.

(d) The hearing provided for by this rule shall be held on each bill referred to a committee within 28 calendar days of such referral, not counting for the purposes of this rule any legislative days prior to the distribution of printed copies of such measure. The Clerk shall keep an accurate record of the date of distribution of printed copies of each bill and shall notify the Speaker whenever 28 calendar days have passed. The Speaker shall then revoke the reference of such measure to committee and shall place such bill before the House for action, upon giving notice of seven calendar days in the House Calendar. A committee hearing held on or before the expiration of such seven day notice period shall take precedence over the order of the Speaker. Whenever it shall not be convenient for any committee to hold a hearing on a bill within 28 calendar days, the committee may ask the House for extensions of time for that particular bill. Each extension of time shall not exceed 14 calendar days and shall take precedence over action by the Speaker. This rule shall not apply to bills assigned to the Committee on Appropriations or the Committee on Ways and Means.

44. (a) All bills in the possession of committees shall be reported out by the date specified in Rule 67 with one of the following recommendations: Ought to Pass, Ought to Pass with Amendment, Re-refer to Committee, Inexpedient to Legislate, or Refer for Interim Study. Re-refer to Committee shall be a committee report only in the first-year session; Refer for Interim Study shall be a committee report only in the second-year session.

(b) All committee reports on bills shall be printed in the House Calendar on the day that the committee report is listed for floor action, and at least once previously. If a bill is reported favorably with an amendment, the committee report shall state the

amendment and then recite the section of the bill in full as amended. The amendment shall be printed in the House Calendar at least once prior to the date listed for floor action.

(c) If a bill is reported Re-refer to Committee, it shall read Re-refer to Committee for action in the second-year session. The report on a re-referred bill shall contain a separate and adequate explanation of the issue(s) which require(s) review. Bills which have been re-referred to the Committee on Appropriations shall be referred by Appropriations to the original committee to which it was assigned when the House adjourned from the first session. All re-referred bills shall be reported by the committee on or before the fifth legislative day of the second-year session.

45. (a) No amendment shall be made until the second reading of a bill. All amendments to bills shall be in writing, with the name of the member and the district he represents.

(b) No amendment shall be added to any bill, resolution, joint resolution or concurrent resolution which is not germane to its subject matter.

46. (a) All bills and joint resolutions appropriating state money which have been reported favorably from any committee shall be referred to the Committee on Appropriations. If any such bills or resolutions have been referred jointly to the Committee on Appropriations and another standing committee, the Committee on Appropriations may report separately and no further hearings shall be required by the Committee on Appropriations.

(b) All bills and resolutions affecting state revenues or fees shall, if favorably reported from the Committee on Regulated Revenues, be referred to the Committee on Ways and Means for a report on the effect of passage of such bill or resolution on the revenues of the state.

(c) All bills and resolutions addressing licensure and/or certification shall, if approved by the House when reported by the appropriate policy committee, be referred to the Committee on Executive Departments and Administration for a further report on the effect of the passage of such a bill or resolution.

47. Any budget bill reported by the Committee on Appropriations shall contain a balanced spending plan. In the second-year session, the Committee on Appropriations shall hold hearings on proposed changes to the State spending plan for the current biennium and may submit a supplemental budget bill. The Committee on Appropriations shall work in close cooperation with the Committee on Ways and Means at mutually agreed periodic times in determining the state income available for budget purposes.

48. (a) There shall be a detailed briefing on the general budget bill presented to the House at least two days before final action is taken on such a bill and, in any event, not later than the deadline established in Rule 67.

(b) There shall be a detailed briefing on Senate changes to the House version of the general budget bill presented to the House membership by the second session day after the establishment of a Committee of Conference. The purpose of such a briefing will be to inform the House of the Senate position on the bill and to provide a sense of the House on that position as advisory guidance to the House conferees.

49. (a) Committee of Conference reports shall be distributed to be acted on on some subsequent day.

(b) No member of a Committee of Conference shall sign any report which contains non-germane amendments or subject matter that has been indefinitely postponed

in either house. For the purpose of this rule, a non-germane amendment is any subject matter not contained in either the House or Senate version of the bill.

(c) A Committee of Conference report analysis prepared by the first-named House member shall be printed in the House Calendar.

50. No standing rule of the House shall be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to House Rules 19(b) and 55, which may be suspended only in accordance with the terms of those rules.

51. No rule shall be rescinded unless two days notice of a motion has been given and two-thirds of those present vote therefor.

COMMITTEE OF THE WHOLE HOUSE

52. The House may resolve itself into a committee of the whole at any time on the motion of a member made for that purpose. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be appointed by the Speaker.

53. When a bill or a resolution is committed to a committee of the whole House, the entire bill or resolution shall first be read by the Clerk, and then again read and debated by clauses, leaving the preamble of the bill to be considered last. The body of the bill or resolution shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as they are agreed to by the committee and so reported to the House. After reporting, the bill or resolution shall again be subject to debate and amendment by clauses before a question to pass it to a third reading is taken.

54. The rules of proceeding in the House shall be observed in the committee of the whole House, as far as they may be applicable, except the rule limiting the time of speaking.

ORDER OF BUSINESS OF THE DAY

55. (a) The order of business in the early session shall be as follows:

1. Prayer by the Chaplain, pledge of allegiance and leaves of absence if received before the start of the legislative day;

2. Introduction of Guests;

3. Petitions of members and personal privilege;

4. Consideration of unfinished business;

5. Introduction, first and second reading and referral of bills;

6. Messages from the Senate, the Governor and the Secretary of State;

7. Consideration of Consent Calendar items;

8. Reports from standing and select committees;

9. Resolutions, motions and notices;

10. Adjournment from the early session.

(b) The order of business in the late session shall be as follows:

1. Third reading of bills, resolutions and joint resolutions;

2. Resolutions and motions;

3. Adjournment to a date certain.

(c) Leaves of absence may be granted by the House at any time.

(d) The order of business listed in this rule shall be adhered to unless otherwise ordered by a majority of those members of the House present and voting.

56. The unfinished business in which the House was engaged at the last preceding adjournment, if called for by any member, shall have preference over all other business except the general order of the day; and no motion, or any other business except

the general order of the day, shall be received without special leave of the House, until the former is disposed.

57. Adjournment. No motion for adjournment for more than five days shall be in order unless prior notice has been given in open session at least two legislative days before the motion is offered.

MEMBERS, PERSONNEL

58. The elected and appointed non-member officers and personnel of the House shall be under the direction of the Speaker, who shall define their duties not fixed by statute or otherwise ordered by the House.

59. No officer or employee of the House during the session or any adjournment thereof shall purchase or contract to purchase, pay or promise to pay any sum of money on behalf of the House or issue any requisition or manifest without securing the approval in writing of the Committee on Appropriations or such member or subcommittee of the same as said committee may designate for the purpose.

60. The Speaker may appoint a Chief Security Officer who shall be a person trained and experienced in security matters or law enforcement work. His duties, under the supervision and direction of the Speaker, shall be to prevent the deliberations of the House from being disrupted or interfered with by any person or persons not members thereof.

61. No employee or attache of the House Sergeant-at-Arms shall directly or indirectly, involve himself with or attempt to influence the passage or consideration of any measure whatsoever. If any such employee or attache so interests, or concerns himself with any measure, it shall be grounds for summary dismissal.

LEGISLATIVE SERVICES AND MISCELLANEOUS

62. If more than one House member requests that legislation of an involved and voluminous nature be drafted on the same subject matter, but with some variations so that the main body of each bill, even though drafted separately would be practically duplicative, the Office of Legislative Services shall advise the Subcommittee on House Resolutions and Screening of such a situation. The subcommittee, after consultation with the requesting members, shall endeavor to have them co-sponsor one bill but, if the members refuse to co-sponsor one bill, the committee may find that it is in the best interest of the House, for the sake of expediency and clarity of understanding, to provide for expository bills. If the subcommittee so finds, it shall direct the Office of Legislative Services to draft a model bill providing for a statute which achieves the prime purpose requested by all such members but which shall not include all the variations which any one of them has specified. Said bill shall be introduced into the House by the Subcommittee on House Resolutions and Screening as a model bill. The subcommittee shall then also direct the Office of Legislative Services to draft a bill for each of the requesting members, or for any member who at a later date requests a similar bill, in expository form only. Such bills in expository form shall not be drafted in legal or statutory form but shall explain in ordinary language and form what each such bill proposes and in such expository form shall be introduced into the House; provided however, that any member may insist on having his legislative request drafted in legal form even though the bill is also drafted in expository form. Such a model bill and all the expository bills on the same subject matter shall be referred to the same committee.

63. (a) The Office of Legislative Services, unless otherwise directed by the sponsor, shall prepare a list of titles and sponsors of suggested legislation, which shall be posted prior to and during the session.

(b) The Office of Legislative Services shall prepare a computerized list of LSR's and bills both by number and by subject matter and shall provide copies of that list to the Speaker and the chairman of the Subcommittee on Resolutions and Screening, on or before the fourth Wednesday of December and weekly thereafter.

64. No committee shall be in possession of any bill for more than 35 calendar days after its assignment to that committee, not counting for the purposes of this rule any calendar days prior to the distribution of printed copies for such measure. The Clerk shall keep an accurate record of the date of distribution of printed copies of each bill and shall notify the Speaker whenever 35 calendar days have passed. The Speaker shall then revoke the reference of such measure to committee and shall place such bill before the House for action, upon giving notice of seven calendar days in the House Calendar. A committee report filed on or before the expiration of such three day notice period shall take precedence over the order of the Speaker. Whenever it shall not be convenient for any committee to attend properly to a bill within 35 calendar days, the committee may ask the House for extensions of time with regard to that particular bill. Each extension of time shall not exceed 14 calendar days and shall take precedence over action by the Speaker. This rule shall not apply to bills assigned to the Committee on Appropriations or to the Committee on Ways and Means.

65. The Speaker may designate any legislative day as a Consent Calendar day by giving two days printed notice in the House Record. No bill shall be on a Consent Calendar unless the committee to which the bill was referred approves its placement on the Consent Calendar by a unanimous vote in executive session. Any member may request removal of any bill listed on Consent Calendar. Any bill removed from the Consent Calendar shall be taken up at the conclusion of the Regular Calendar. All matters remaining on the Consent Calendar shall be acted upon without debate.

66. No person, including members of the House, except law enforcement officers while actively engaged in carrying out their duties as such, shall carry or have in his possession any deadly weapon as defined in RSA 625:11, V while he is in the House Chamber, anterooms, cloakrooms, or any portion of the State House adjacent to any of the above. Any person in violation of this rule shall be subject to ejection from any such premises on the order of the Speaker and disciplinary action or arrest or both by action of the House. Nothing in this rule shall indicate that the security officer appointed by the House under Rule 60 has the right to stop and search a member of the House on the premises of the House.

DEADLINES

67. (a) Legislative action in the first-year session shall be subject to the following deadlines:

- (1) January 5, 1989 Last day to file information with Legislative Services.
- (2) January 26, 1989 Last day to sign off money and Licensure Bills.
- (3) February 2, 1989 Last day to sign off non-money bills. Last day to introduce money bills.
- (4) February 9, 1989. Last day to introduce non-money bills.
- (5) February 10, 1989. Last day to draft requests for Bills of Intent.
- (6) February 15, 1989 Last day for Governor's Capital and Operating Budget Message.

(7) February 23, 1989 Ways and Means report on revenue.

(8) March 2, 1989 Last day for Policy Committees to report money and licensure bills.

(9) March 16, 1989 Last day to report non-money bills. Last day for ED & A to report all licensure bills. Last day for Public Works to report Capital Budget.

(10) March 23, 1989 Last day for House action on Capital Budget. Last day to act on non-money bills. Last day to act on licensure bills from ED & A.

CROSSOVER for all bills except those referred to Appropriations.

(11) April 6, 1989 Last day for Appropriations to Report Operating and Capital Budgets, money and revenue bills.

(12) April 11, 1989 Last day for briefing on House version of budget.

(13) April 13, 1989 Last day to act on Capital and Operating budgets, money and revenue bills (FINAL CROSSOVER).

RULES OF COMMITTEE PROCEDURE

100. Committee Chairman; Duties

The duties of each committee chairman, appointed pursuant to House Rule 31, shall be the following:

- a. To preside at all meetings of the committee;
- b. To call the meeting to order at the time and place designated by the meeting notice;
- c. A quorum being present, to cause the committee to proceed with its business in the proper order according to the agenda and to announce the business before the committee as it proceeds with such business;
- d. To preserve order and decorum and to speak on points of order, in which case the chairman shall have preference over other members;
- e. To decide all points of order, subject to appeal to the committee;
- f. To explain or clarify any rule of procedure upon request;
- g. To state, or direct the clerk to state, each motion as it is made;
- h. To recognize members;
- i. To state and put to a vote all questions requiring a vote or upon which a vote is ordered and to announce the vote;
- j. To appoint the chairman of all subcommittees and further to appoint the membership of all subcommittees;
- k. To assign duties and responsibilities to the vice-chairman of the committee;
- l. To sign all documents which require his signature;
- m. To arrange for the posting and filing of committee notices;
- n. To supervise and be responsible for the preparation of committee reports and supplements;
- o. To prepare, or supervise the preparation of the agenda for each committee meeting as required by these rules;
- p. To submit requests to the Speaker for interim studies or meetings or travel for committees or subcommittees;
- q. To have custody, during the legislative session subject to state statutes, of all legislative documents and reports referred or submitted to the committee;
- r. To transmit to the Clerk each legislative document and report which the committee has: 1) reported, or 2) been discharged from considering, or 3) been ordered to report;

s. To carry out all duties required by law, by action of the House, or by action of the Speaker.

101. Members, Duty to Attend Meetings; Attendance Record

It shall be the duty of committee members to attend and participate in all committee meetings. A record of the members present and the members absent at each committee meeting shall be maintained. The chairman shall be responsible for assuring that this record is maintained and he shall notify the Speaker of excessive absences.

102. Excessive Absences

Each committee chairman is authorized to request the Speaker to remove from committee membership any member of the committee whose absences from committee meetings are judged to be excessive in number.

103. Standing Committee Meeting Schedule; Session, Interim Conflicts

A schedule of meeting days for committees shall be established by the Chairman for the interim between sessions. Such schedule shall designate Wednesdays and Thursdays for meetings of each committee. However, upon authority of the Speaker and the approval of the Chairman, a committee may make changes in the schedule of meetings when circumstances require, subject to all other applicable rules. Committees shall meet on these designated days, provided they have particular business to consider. Session and interim committee schedules shall, to the maximum extent possible, be established so as to avoid committee conflicts for legislators.

104. Interim Committee Reporting Deadlines

All standing, statutory, and ad hoc committees are to report to the Speaker of the House and the President of the Senate by September 30 in the even-numbered years providing that such reporting is stipulated in the enabling legislation.

105. Interim Committee Reporting Deadlines For Suggested Legislation

The chairman of each committee is responsible for submitting requests for drafts on suggested legislation by September 30 in the even-numbered years provided that legislation is suggested.

106. Notice; Session Meetings; Interim Meetings

a. The House Clerk or his designee shall post notice of each session committee meeting in the State House Press Room on the day preceding the meeting. A copy of said notice shall also be posted at the same time in the office of the House Clerk.

b. At least six days prior to each interim meeting of his committee the chairman of each committee shall file with the Clerk of the House notice of the meeting unless otherwise directed by the Speaker. The Clerk shall transmit notice of each such meeting to the members of the respective committees no later than five days prior to the meeting date and shall also be responsible for making such notices available to the news media in that geographical area, to the public, and to all lobbyists of record who have filed written request for such notice with the Clerk.

107. Notice of Executive Sessions

Notice of all executive sessions at which a recorded vote will be taken shall be given by: (1) notification in the House Calendar at least two days prior to said executive session, and/or (2) notification by the Chairman of the appropriate committee on the floor of the House.

108. Notice; Contents

Each meeting notice shall contain the following information: (1) the name of the committee chairman; (2) the time and place of the meeting; (3) the matters proposed for consideration and (4) any other information which the committee deems pertinent.

109. Quorum Required to Transact Business

The presence of a quorum, defined as a majority of each committee shall constitute a quorum to do business, shall be required for a committee to transact business and no official action shall be taken by a committee unless a quorum is present.

110. Vote Required for Committee Actions; Members Disqualified

The approval of a majority of the quorum present shall be required for a committee to decide a question or to take official action on any matter; provided however, that a member excused or disqualified from voting on a question for reasons provided in House Rule 16 or 28, Rules of Committee Procedure, House Rules, or Order of the House of Representatives shall not be counted for purposes of determining the number necessary for or for establishing a quorum to act on that question.

111. Roll Call, Record Votes Required

At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall be record votes and shall appear in the records of the committee as otherwise provided in these rules. In all record votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of the members abstaining under House Rules 16 or 28 shall be recorded and such record of yeas and nays shall be attached to the bill and a copy thereof sent to the Clerk of the appropriate house.

112. Minutes of Meetings Required; Contents

Minutes of each meeting shall be kept by the committee clerk or under the direction of the clerk and they shall constitute a written record of committee proceedings at such meeting. In the minutes there shall be entered:

- a. The time and place of the meeting of the committee;
- b. The members present or absent;
- c. The names and addresses of all persons appearing before the committee with the names and address, if any, of the person, firm, corporation or association in whose behalf the appearance is made;
- d. The bills, resolutions or other matters considered, by number where appropriate;
- e. Action of the committee, including final action of the committee with respect to each bill or resolution on which the committee makes a report to the House;
- f. The vote of each member on each bill or resolution, matter or motion considered by the committee on which a record vote is taken;
- g. The important points made by each witness at a public hearing and by each member of the committee, insofar as possible.

113. Permanent Committee Records; Disposition

a. The permanent records of the committee shall include the minutes of each meeting and a file on each bill or resolution received by the committee. The file on each bill or resolution shall include a copy of the original document, a copy of committee amendments proposed by a member, whether adopted or not, and the disposition thereof; a copy of any fiscal note, actuarial note or notice attached to a bill or

resolution at the time of committee consideration all prepared statements which have been filed with the committee chairman by members or interested parties;

b. The minutes and other permanent records of the committee shall be publicly recorded and shall be kept by the House Clerk in a place designated by the Speaker.

114. Open Meetings

All meetings of any committee of the House and Senate shall be open to the public subject to the provisions of N.H. RSA 91-A and as clarified by the Attorney General of the State of New Hampshire.

115. Back-Up Rules

In such cases where New Hampshire House Committee rules are silent, "Mason's Manual of Legislative Procedures," 1989 Edition, shall be referred to as the primary guide.

RESOLUTIONS

Resolutions are the formal expressions of the opinions and wishes of the legislature. The 4 types of resolutions are joint resolutions, concurrent resolutions, simple resolutions, and constitutional amendment-concurrent resolutions. Joint resolutions, concurrent resolutions and constitutional amendment-concurrent resolutions must be approved by both branches of the legislature, while simple resolutions are considered only by the house of introduction. All resolutions take effect upon passage, so they often are used to meet emergency situations.

(a) Joint Resolutions.

A joint resolution is one which has the force and effect of law, and as such must pass both the house and senate and be signed by the governor. The constitution, Pt. II, Art. 45, provides that joint resolutions shall be treated as bills.

Joint resolutions are introduced and considered in the same manner as bills, except that they can only be used for temporary provisions. Joint resolutions cannot be used to amend the public or private laws of New Hampshire (the RSA or the session laws), but they can be used to appropriate money for limited purposes; to establish temporary study committees; to make adjustments in the state retirement system for certain individuals; and to name public buildings and highways. Because a joint resolution is effective upon passage, it is useful for supplemental or deficiency appropriations, but such appropriations may not extend beyond the second fiscal year of the biennium. As with other appropriations, if a resolution makes an appropriation from the general fund the governor must be authorized to draw his warrant for the sums appropriated.

(b) Concurrent Resolutions.

A concurrent resolution is acted on by the house or senate and sent to the other house for approval but is not sent to the governor for signature. Therefore, it does not have the effect of a law, and it is important to note that it can not be used to appropriate money. Concurrent resolutions may be used to put the legislature on record as supporting or disavowing some aspect of national or state policy. Also, a concurrent resolution may be utilized to express appreciation to some individual or group.

(c) Simple Resolutions.

A simple resolution is one which is considered by the legislative body in which it is introduced and is of interest to only that body. Neither house nor senate resolutions have the effect of law. They are written to show appreciation to some individual or group, to ask the supreme court for an advisory opinion on a bill originating in that

body, to express sympathy for an individual's death or illness, or, in a lighter vein, to commemorate an event affecting one of the members.

(d) Constitutional Amendment-Concurrent Resolutions.

Amendments to the constitution may be proposed by the legislature, as well as a constitutional convention. N.H. Const. Pt. 2, Art. 100. Each body must approve the CACR by a three-fifths vote of the entire membership, then be submitted to the voters at the next biennial November election. The CACR must be approved by two-thirds of the qualified voters present and voting.

BILLS OF INTENT

A bill of intent is a document written in plain language setting forth a problem of concern but not necessarily proposing a change in existing statutes. For the purpose of introduction, printing and committee referral, a bill of intent is treated the same as a bill. House Rule 36(a).

This day, January 31, 1989, being the last day on which House Rules could be amended by a majority vote, Rep. Warburton offered the following:

Amend the house rules by inserting after house rule 4, the following new house rule:

4-a. Three days after each state general election, the Speaker shall appoint ten members, one from each county, to select a chaplain for the next biennium. Only incumbent members who have been reelected shall be eligible for appointment.

Rep. Warburton explained the amendment and yielded to questions.

Rep. Palumbo spoke against the amendment on behalf of the Rules Committee.

Amendment lost.

Rep. Betty Hall offered an amendment to House Rule 48.

Amend the House Rules by inserting after rule 48, the following new rule:

48-A. When any house bill is returned by the senate with a senate amendment, the bill shall be referred to the chairman of the house committee of origin, or a committee member designated by the chairman, who shall prepare a brief synopsis of the effect of the senate amendment, including one of the following recommendations: Concur, Nonconcur, Nonconcur and Request Committee of Conference. The synopsis and recommendation shall be printed in the calendar and shall be acted upon, as with the consent calendar, without debate, except that any member may request that such a bill be removed from the consent calendar. Any bills so removed shall be acted upon at the conclusion of the regular calendar, in the order in which the bills appeared in the calendar.

Rep. Betty Hall explained the amendment and called for a Division.

Rep. Burns spoke in opposition to the amendment and yielded to questions.

Amendment lost.

Rep. Betty Hall offered an amendment to House Rule 49(c).

Amend House Rule 49(c) by replacing it with the following:

(c) When any committee of conference report is returned by committee of conference for house action, the committee of conference report shall be referred to the chairman of the house committee which held the first house public hearing on the bill, or a committee member designated by the chairman, who shall prepare a brief synopsis of the effect of the committee of conference report, including one of the following

recommendations: Concur, Nonconcur, Nonconcur and Request a New Committee of Conference. The synopsis and recommendation shall be printed in the calendar and shall be acted upon, as with the consent calendar, without debate, except that any member may request that such a committee of conference report be removed from the consent calendar. Any committee of conference report so removed shall be acted upon at the conclusion of the regular calendar, in the order in which such committee of conference reports appeared in the calendar.

Rep. Betty Hall explained the amendment and called for a Division.

Rep. Burns spoke against the amendment and yielded to questions.

Amendment lost.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, February 9 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 114, allowing the district courts to approve petitions for services other than counsel.

HB 17, changing the language of the oath administered to petit jurors in criminal cases.

HB 52, relative to rail accident reporting requirements.

HB 69, relative to highway vending facilities operated by the blind.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 2:30 p.m.

RECESS

(Rep. Arnesen in the Chair)

Rep. Copenhaver offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 393 through 449 and 451 through 668, Constitutional Amendment Concurrent Resolutions numbered 6 through 15, House Concurrent Resolutions numbered 3 and 4, and House Bill of Intent numbered 2002, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCRs, and HBI

First, second reading and referral

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver of Grafton Dist. 12 - To Commerce, Small Business and Consumer Affairs)

HB 394-FN-A, establishing a state emergency response commission and making appropriations therefor. (Randall of Belknap Dist. 2; Wright of Rockingham Dist. 23; Torr of Dist. 21 - To Science, Technology and Energy)

HB 395-FN-A, to tax alcohol and tobacco for municipal capital improvement programs. (Chase of Rockingham Dist. 28 - To Regulated Revenues)

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators. (Parks of Strafford Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 397-FN, relative to composition of the dental board. (Vaughn of Rockingham Dist. 27; Fillion of Merrimack Dist. 15; Bond of Dist. 1 - To Executive Departments and Administration)

HB 398-FN-A, relative to the return of revenue to cities and towns. (Hager of Merrimack Dist. 21; Ward of Grafton Dist. 1 - To Ways and Means)

HB 399-FN-A, relative to an emergency loan fund for school district facilities and making an appropriation therefor. (Robinson of Hillsborough Dist. 12; Keefe of Hillsborough Dist. 31; Larson of Grafton Dist. 9; Disnard of Dist. 8 - To Education)

HB 400-FN-A, relative to distributing sweepstakes funds and making an appropriation therefor. (King of Hillsborough Dist. 42 - To Education)

HB 401-FN, imposing a filing fee for registration of securities by coordination. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 402-FN, relative to the state archivist. (Warburton of Rockingham Dist. 6 - To Executive Departments and Administration)

HB 403-FN-A, relative to closed circuit televised boxing and wrestling matches. (King of Hillsborough Dist. 42; Stephen of Dist. 18 - To Regulated Revenues)

HB 404-FN-A, making an appropriation to fund additional positions within the office of child support enforcement. (Sanderson of Rockingham Dist. 25; Blanchard of Rockingham Dist. 26; McCain of Rockingham Dist. 11; Torr of Dist. 21; Nelson of Dist. 13 - To Children, Youth and Juvenile Justice)

HB 405-FN-A, relative to the driver training fund. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 406-FN-A, establishing a municipal new school building fund and making an appropriation therefor. (Rose of Grafton Dist. 11 - To Education)

HB 407-FN-A, relative to rent paid by the state for courtroom space and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Jones of Hillsborough Dist. 20; Palumbo of Rockingham Dist. 10; Martling of Strafford Dist. 4 - To Appropriations)

HB 408-FN-A, relative to a study of the highways in Sullivan and Cheshire counties between I-89 and I-91 and making an appropriation therefor. (Krueger of Sullivan Dist. 6; Young of Cheshire Dist. 1; Peyron of Sullivan Dist. 2; Domini of Sullivan Dist. 5; Schotanus of Sullivan Dist. 1; Disnard of Dist. 8; Blaisdell of Dist. 10 - To Public Works)

HB 409-FN, relative to licensing professional foresters. (Scanlan of Grafton Dist. 11; Schotanus of Sullivan Dist. 1; Dodge of Carroll Dist. 2; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 410-FN-A, relative to the nursing scholarship program and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; Foster of Cheshire of Dist. 17; Hough of Dist. 5; Krasker of Dist. 24 - To Education)

HB 411-FN-A, requiring the public utilities commission to study regional electric utility alternatives and making an appropriation therefor. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 412-FN-A, relative to deductions for owner-employees under the business profits tax. (Kurk of Hillsborough Dist. 3 - To Ways and Means)

HB 413-FN-A, establishing the solid waste reduction planning assistance program and making an appropriation therefor. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 414-FN-A, to redefine gross business profits for partnerships, trusts and estates under the business profits tax. (Cowenhoven of Hillsborough Dist. 9 - To Ways and Means)

HB 415-FN-A, to establish a political campaign financing fund. (Jacobson of Merrimack Dist. 2 - To Constitutional and Statutory Revision)

HB 416-FN-A, establishing a study committee to examine laws relative to children in abuse or neglect cases and making an appropriation therefor. (Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

HB 417-FN-A, relative to medicaid reimbursement for appropriate services to handicapped students and making an appropriation therefor. (Hager of Merrimack Dist. 21; Sytek of Rockingham Dist. 20; Dupont of Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 418-FN-A, relative to drug, alcohol and AIDS counselors at Hampton Beach and Weirs Beach and making an appropriation therefor. (Weddle of Rockingham Dist. 24 - To Children, Youth and Juvenile Justice)

HB 419-FN-A, to impose a capital gains tax on speculative land sales. (LaMar of Cheshire Dist. 16; Beaton of Merrimack Dist. 3; Maviglio of Belknap Dist. 1; McCann of Strafford Dist. 7 - To Ways and Means)

HB 420-FN-A, establishing a pilot guidance assistance program for grades 1-6 and making an appropriation therefor. (Domaingue of Hillsborough Dist. 42; Bond of Dist. 1 - To Education)

HB 421-FN, relative to licensing gas installers. (Asplund of Merrimack Dist. 10 - To Executive Departments and Administration)

HB 422-FN-A, relative to tax exempt property. (Blacketor of Cheshire Dist. 12; Cowenhoven of Hillsborough Dist. 9; Fields of Hillsborough Dist. 13; Ward of Grafton Dist. 1; Saunders of Carroll Dist. 5; King of Dist. 2 - To Ways and Means)

HB 423-FN-A, relative to closure of landfills and making an appropriation therefor. (Millard of Merrimack Dist. 4; Torr of Dist. 21; Dupont of Dist. 6 - To Environment and Agriculture)

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor. (Green of Hillsborough Dist. 36; Pappas of Hillsborough Dist. 37; O'Rourke of Hillsborough Dist. 35; Scharff of Strafford Dist. 6; Bass of Dist. 11 - To Health, Human Services and Elderly Affairs)

HB 425-FN-A, revising the school building aid system. (Robinson of Hillsborough Dist. 12; Keefe of Hillsborough Dist. 31; Rep. Larson of Grafton Dist. 9; Skinner of Rockingham Dist. 21; Hough of Dist. 5; Bass of Dist. 11 - To Education)

HB 426-FN-A, establishing the New Hampshire poison information center and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; Sochalski of Rockingham Dist. 23 - To Health, Human Services and Elderly Affairs)

HB 427-FN-A, relative to public access to public waters and making an appropriation therefor. (Smith of Merrimack Dist. 20; Boucher of Rockingham Dist. 23; Heath of Dist. 3 - To Resources, Recreation and Development)

HB 428, regarding the licensing of morticians. (McCann of Hillsborough Dist. 31; Nelson of Dist. 13 - To Executive Departments and Administration)

HB 429-FN-A, relative to Medicaid expansion for low-income pregnant women, infants and children; establishing a task force on low provider participation in Medicaid; and making an appropriation therefor. (Pappas of Hillsborough Dist. 37; Nardi of Hillsborough Dist. 35; Packard of Hillsborough Dist. 15; McGovern of Rockingham Dist. 27; McLane of Dist. 15; St. Jean of Dist. 20 - To Health, Human Services and Elderly Affairs)

HB 430-FN, relative to licensing and certifying real estate appraisers. (Emerton of Hillsborough Dist. 6 - To Executive Departments and Administration)

HB 431-FN-A, relative to the regulation of excavation and mining, and making an appropriation therefor. (Sherburne of Rockingham Dist. 2; Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 432-FN-A, relative to funding for counties and county taxes. (Shaw of Merrimack Dist. 7 - To Municipal and County Government)

HB 433-FN-A, relative to a pool for environmental liability insurance and making an appropriation therefor. (Wright of Rockingham, Dist. 23; Foss of Strafford Dist. 10; Delahunty of Dist. 22; Roberge of Dist. 9. - To Commerce, Small Business and Consumer Affairs)

HB 434-FN-A, relative to franchising and regulation of cable television systems and making an appropriation therefor. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15; Drolet of Hillsborough Dist. 8; Disnard of Dist. 8. - To Commerce, Small Business and Consumer Affairs)

HB 435-FN-A, making an appropriation for health services for young children. (Foster of Cheshire, Dist. 17; Millard of Merrimack, Dist. 4; O'Rourke of Hillsborough, Dist. 35; Nardi of Hillsborough, Dist. 35; Nelson of Dist. 13; Dupont of Dist. 6; Podles of Dist. 16. - To Children, Youth and Juvenile Justice)

HB 436-FN-A, relative to sewage treatment funds and making an appropriation therefor. (McCann of Strafford Dist. 7; Rep. Matson of Cheshire Dist. 7 - To Resources, Recreation and Development)

HB 437-FN, licensing alarm installers. (McCain of Rockingham Dist. 11; Sytek of Rockingham Dist. 20; Delahunty of Dist. 22 - To Executive Departments and Administration)

HB 438-FN-A, adding 2 exemptions to the interest and dividends tax. (Murphy of Hillsborough Dist. 40 - To Ways and Means)

HB 439-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of alcohol and drug abusers. (Bourque of Hillsborough Dist. 35; Moore of Hillsborough Dist. 5; Stephen of Dist. 18; Podles of Dist. 16; Hough of Dist. 5 - To Regulated Revenues)

HB 440-A, relative to constructing a parking garage in Concord for the legislature and state government personnel and making an appropriation therefor. (Pearson of Belknap Dist. 5; Burns of Coos Dist. 5; Chambers of Grafton Dist. 12; Torr of Dist. 21; Charbonneau of Dist. 14 - To Public Works)

HB 441-FN-A, relative to bingo games conducted by charitable organizations. (Rosenrantz of Rockingham Dist. 15 - To Regulated Revenues)

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor. (Maviglio of Belknap Dist. 1; Young of Strafford Dist. 10; Avery of Cheshire Dist. 5; Behrens of Sullivan Dist. 3; McLane of Dist. 15 - To Resources, Recreation and Development)

HB 443, exempting certain insurance claims adjusters from licensing examinations. (Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 444-FN, licensing ophthalmic dispensing. (Stio of Merrimack Dist. 5; Fillion of Merrimack Dist. 15; Frank of Hillsborough Dist. 13; Copenhaver of Grafton Dist. 12; Knight of Hillsborough Dist. 6 - To Health, Human Services and Elderly Affairs)

HB 445, recodifying certain water laws. (Blanchard of Rockingham Dist. 26; Lewis of Merrimack Dist. 5; Dickinson of Carrol Dist. 2; Freese of Dist. 4; Nelson of Dist. 13 - To Resources, Recreation and Development)

HB 446-FN, to dissolve the Barnstead-Pittsfield cooperative school district. (Golden of Belknap Dist. 7 - To Education)

HB 447-FN, relative to state contribution to driver education. (Flanders of Rockingham Dist. 10 - To Education)

HB 448-FN, relative to identifying specifically each funding component of foundation aid. (Domaingue of Hillsborough Dist. 42 - To Education)

HB 449-FN, relative to civil suits against municipal officials. (Lown of Hillsborough Dist. 9; Sallada of Hillsborough Dist. 4 - To Judiciary)

HB 451-FN, relative to return of a portion of sweepstakes money to municipalities of origin and distribution under the foundation aid formula. (Domaingue of Hillsborough Dist. 42 - To Regulated Revenues)

HB 452-FN, relative to the vote for school building aid bonding. (Skinner of Rockingham Dist. 21 - To Education)

HB 453-FN, relative to persons receiving kidney dialysis treatment. (Shaw of Merrimack Dist. 7; Daneault of Merrimack Dist. 8; Drabinowicz of Hillsborough Dist. 32 - To Health, Human Services and Elderly Affairs)

HB 454-FN, relative to the interest due on property tax bills. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 455-FN, relative to appeals in child abuse or neglect cases. (Wallner of Merrimack Dist. 21; Trombly of Merrimack Dist. 4 - To Children, Youth and Juvenile Justice)

HB 456-FN, changing the due date for county taxes. (Stewart of Grafton Dist. 4 - To Municipal and County Government)

HB 457, relative to municipal regulation of forestry. (Townsend of Grafton Dist. 13; Schotanus of Sullivan Dist. 1 - To Resources, Recreation and Development)

HB 458, granting degree-granting authority to the Thomas More Institute of Liberal Arts. (Frank of Hillsborough Dist. 13; Roberge of Dist. 9 - To Education)

HB 459, authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill. (Martling of Strafford Dist. 4; Flynn of Strafford Dist. 8; Dionne of Strafford Dist. 5; Parsons of Rockingham Dist. 19 - To Public Works)

HB 460-FN, relative to notice that tax payments may be due under the interest and dividends tax. (McKinney of Rockingham Dist. 23; Kinney of Strafford Dist. 6 - To Ways and Means)

HB 461, relative to conflict of interest laws concerning town officials. (Malcolm of Rockingham Dist. 17 - To Municipal and County Government)

HB 462, eliminating the voter eligibility requirement for notary publics. (Lown of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

HB 463, excluding credit life and health companies from the 30-day premium return requirement. (Fraser of Merrimack Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 464, relative to allowing the Sons of the American Legion to assist the American Legion posts with bingo games. (Perham of Hillsborough Dist. 10; Felch of Rockingham Dist. 14 - To Regulated Revenues)

HB 465, changing the name of the solid waste management council. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 466, relative to absentee voting by college students. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5 - To Constitutional and Statutory Revision)

HB 467, relative to discharges of mortgages. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 468, relative to hearings on bond issues prior to town meetings. (Perham of Hillsborough Dist. 10; Prestipino of Hillsborough Dist. 10 - To Municipal and County Government)

HB 469, prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London. (Kidder of Merrimack Dist. 2; Jacobson of Merrimack Dist. 2 - To Transportation)

HB 470, relative to access of motor vehicle records. (Perry of Cheshire Dist. 10 - To Transportation)

HB 471, regarding review of developments which may have regional impact. (Millard of Merrimack Dist. 4 - To Municipal and County Government)

HB 472, relative to appeals to the zoning board of adjustment. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 473, relative to building codes in municipalities. (Campbell of Belknap Dist. 5; Freese of Dist. 4 - To Municipal and County Government)

HB 474, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson of Carroll Dist. 2; Townsend of Grafton Dist. 13; Charbonneau of Dist. 14 - To Judiciary)

HB 475, to require the full legal names of candidates on primary and general election ballots. (Flanagan of Rockingham Dist. 8; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

HB 476, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 477, relative to housing standards ordinances. (Soucy of Hillsborough Dist. 39 - To State Institutions and Housing)

HB 478, relative to withdrawal from a regional refuse disposal district. (Cole of Cheshire Dist. 10; Freese of Dist. 4 - To Environment and Agriculture)

HB 479, relative to solid waste management plans. (Cole of Cheshire Dist. 10; Freese of Dist. 4 - Environment and Agriculture)

HB 480, relative to the domicile of assistant moderators and assistant town clerks who serve at polling places. (Roulston of Rockingham Dist. 20 - To Constitutional and Statutory Revision)

HB 481, requiring plumbing systems in new construction to meet certain requirements. (Weddle of Rockingham Dist. 24; Roulston of Rockingham Dist. 20 - To Resources, Recreation and Development)

HB 482, allowing a certain community to use septic holding tanks for a limited period. (Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 483, relative to wage assignment. (Lown of Hillsborough Dist. 9; Jones of Hillsborough Dist. 20 - To Children, Youth and Juvenile Justice)

HB 484, relative to checkout procedures after votes are cast. (Ahrens of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Fields of Hillsborough Dist. 13 - To Constitutional and Statutory Revision)

HB 485, relative to approval for certain public utility purchases. (Gilmore of Strafford Dist. 7 - To Science, Technology and Energy)

HB 486-FN, relative to clearing land and cutting timber. (Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 487, relative to grandparents' rights. (Skinner of Rockingham Dist. 21 - To Children, Youth and Juvenile Justice)

HB 488, relative to regional cooperation on solid waste disposal. (Marsh of Coos Dist. 1; Horton of Coos Dist. 4; Oleson of Coos Dist. 7; Bond of Dist. 1 - To Municipal and County Government)

HB 489, relative to utility easements. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 490, establishing a speed limit and restricting the use of certain devices on a portion of the Connecticut River. (Guest of Grafton Dist. 12 - To Transportation)

HB 491, relative to insufficient funds. (Lefebvre of Hillsborough Dist. 29 - To Commerce, Small Business and Consumer Affairs)

HB 492, relative to recreational campgrounds and camping parks. (Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; Spencer of Strafford Dist. 4; Johnson of Dist. 17; Heath of Dist. 3; Bond of Dist. 1 - To Resources, Recreation and Development)

HB 493, relative to insurance premium refunds. (Foss of Strafford Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 494, relative to the transition period for a new state treasurer and a new secretary of state. (Healy of Hillsborough Dist. 38; Hough of Dist. 5 - To Legislative Administration)

HB 495, regarding election of regional refuse disposal district committee members. (Harland of Sullivan Dist. 8; Gilmore of Strafford Dist. 7 - To Environment and Agriculture)

HB 496, relative to when water companies are public utilities. (Vincent of Strafford Dist. 8 - To Science, Technology and Energy)

HB 497, relative to financial responsibility for hazardous waste accidents. (Daigle of Hillsborough Dist. 24; McCann of Hillsborough Dist. 31; Greene of Rockingham Dist. 18; Sherburne of Rockingham Dist. 2; Millard of Merrimack Dist. 4; Magee of Dist. 12; Nelson of Dist. 13 - To Environment and Agriculture)

HB 498, relative to publication of information on certain juvenile offenders. (Cooke of Rockingham Dist. 20; Raynowska of Rockingham Dist. 20; Sytek of Rockingham Dist. 20; Roulston of Rockingham Dist. 20; Micklon of Rockingham Dist. 20 - To Children, Youth and Juvenile Justice)

HB 499, relative to administration of medications to clients receiving services in the state mental health system. (Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

HB 500, relative to placing offices on the state general election ballot. (Oleson of Coos Dist. 7 - To Constitutional and Statutory Revision)

HB 501, relative to a column on the general election and primary ballots for write-in candidates. (Oleson of Coos Dist. 7 - To Constitutional and Statutory Revision)

HB 502, relative to disclosure of mental health information. (Nardi of Hillsborough Dist. 35 - To Health, Human Services and Elderly Affairs)

HB 503, relative to business and voluntary corporations. (Drolet of Hillsborough Dist. 8; Pantzer of Merrimack Dist. 11; Krueger of Sullivan Dist. 6 - To Commerce, Small Business and Consumer Affairs)

HB 504, relative to public and congregate mooring fields. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 505, relative to speed limits on state roads in towns. (Popov of Rockingham Dist. 12; Caswell of Rockingham Dist. 12 - To Transportation)

HB 506, relative to holding organization meetings for cooperative school districts. (Wheeler of Hillsborough Dist. 10 - To Education)

HB 507-FN, relative to child care. (Wallner of Merrimack Dist. 21; O'Rourke of Hillsborough Dist. 35 - To Children, Youth and Juvenile Justice)

HB 508, relative to town moderators and elections. (Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

HB 509-FN, authorizing industrial development financing for the Manchester Airport. (O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Sytek of Rockingham Dist. 20; Boucher of Rockingham Dist. 23; McCann of Hillsborough Dist. 31; Charbonneau of Dist. 14; Stephen of Dist. 18; Hough of Dist. 5; Blaisdell of Dist. 10 - To Public Works)

HB 510-FN, relative to parental involvement in abortion decisions of minor dependent children. (Sytek of Rockingham Dist. 20; Sochalski of Rockingham Dist. 23; Bolduc of Belknap Dist. 10; Welch of Rockingham Dist. 10; Hynes of Rockingham Dist. 28; Magee of Dist. 12 - To Children, Youth and Juvenile Justice)

HB 511, relative to medical records. (McGovern of Rockingham Dist. 27; Jones of Hillsborough Dist. 20; Pappas of Hillsborough Dist. 37; Moore of Hillsborough Dist. 5; Sanderson of Rockingham Dist. 25 - To Health, Human Services and Elderly Affairs)

HB 512, relative to zoning ordinance protest petitions. (Wadsworth of Grafton Dist. 12; Copenhaver of Grafton Dist. 13; - To Municipal and County Government)

HB 513, relative to medicare balanced billing. (Soldati of Merrimack Dist. 19; Soucy of Hillsborough Dist. 39; Rose of Grafton Dist. 11; Green of Hillsborough Dist. 36; St. Jean of Dist. 20 - To Commerce, Small Business and Consumer Affairs)

HB 514, regarding notice provisions for additives applied to fresh produce. (Millard of Merrimack Dist. 4; Tarpley of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 515, relative to liability for underground storage facility violations. (Dyer of Hillsborough Dist. 7 - To Resources, Recreation and Development)

HB 516-FN, relative to illegal dumping of garbage. (Gage of Rockingham Dist. 13; Anderson of Rockingham Dist. 13; Klemarczyk of Rockingham Dist. 13 - To Environment and Agriculture)

HB 517, relative to current use posting. (Eaton of Cheshire Dist. 4 - To Environment and Agriculture)

HB 518-FN, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program. (Sytek of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 519-FN, relative to presite built housing. (Whitcomb of Grafton Dist. 1 - To State Institutions and Housing)

HB 520-FN, permitting nonprofit organizations to erect informational signs along highways. (Moore of Hillsborough Dist. 5 - To Transportation)

HB 521-FN, regarding a state loan for the Monroe sewage treatment facility. (Weymouth of Grafton Dist. 2 - To Public Works)

HB 522-FN, to establish a committee to study the qualifications for bus drivers of special education children. (Moore of Hillsborough Dist. 5; Hollingworth of Rockingham Dist. 17; Bourque of Hillsborough Dist. 35 - To Children, Youth and Juvenile Justice)

HB 523, relative to a privilege for confidential communications between guardian ad litem and child. (Asplund of Merrimack Dist. 10 - To Children, Youth and Juvenile Justice)

HB 524, requiring insurers to send cancellation notices. (Asplund of Merrimack Dist. 10 - To Commerce, Small Business and Consumer Affairs)

HB 525, relative to prohibited excavation projects. (Palazzo of Rockingham Dist. 16 - To Environment and Agriculture)

HB 526, relative to a local option for siting of businesses and industry which may be environmentally hazardous or a nuisance. (Palazzo of Rockingham Dist. 16 - To Municipal and County Government)

HB 527, relative to a waiting period between rezoning proposals. (Jones of Hillsborough Dist. 20 - To Municipal and County Government)

HB 528, relative to learners' permits. (Bourque of Hillsborough Dist. 35; O'Rourke of Hillsborough Dist. 35; Nardi of Hillsborough Dist. 35; St. Jean of Dist. 20 - To Transportation)

HB 529, relative to the definition of ski craft, to be known as "personal watercraft." (G. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 530-FN, relative to drug penalties and drug and alcohol education and rehabilitation programs. (McCain of Rockingham Dist. 11 - To Children, Youth and Juvenile Justice)

HB 531-FN, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places. (Horton of Coos Dist. 4; Burns of Coos Dist. 5; Adams of Grafton Dist. 13; Guay of Coos Dist. 7; Nelson of Coos Dist. 13; Bond of Dist. 1 - To Municipal and County Government)

HB 532-FN, establishing a committee to study the tax structure in New Hampshire. (Asplund of Merrimack Dist. 10; Stio of Merrimack Dist. 5; Whittemore of Merrimack Dist. 10; Chase of Rockingham Dist. 28; Foster of Cheshire Dist. 17; McLane of Dist. 15 - To Ways and Means)

HB 533-FN, relative to the custody and impoundment of certain dogs. (Densmore of Grafton Dist. 3; Bond of Dist. 1 - To Public Protection and Veterans Affairs)

HB 534-FN, relative to bottled water. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 535-FN, including water districts under the public utilities commission. (Millard of Merrimack Dist. 4 - To Science, Technology and Energy)

HB 536-FN, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount. (Skinner of Rockingham Dist. 21 - To Labor, Industrial and Rehabilitative Services)

HB 537-FN, authorizing the town of North Hampton to collect taxes for one 18-month accounting period. (Greene of Rockingham Dist. 18 - To Municipal and County Government)

HB 538-FN, relative to mining. (Greene of Rockingham Dist. 18; Millard of Merrimack Dist. 4; Sherburne of Rockingham Dist. 2 - To Environment and Agriculture)

HB 539-FN, relative to establishing a fund for construction costs of public utilities. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

HB 540-FN, relative to reporting of illegal waste disposal sites. (Weddle of Rockingham Dist. 24; Roulston of Rockingham Dist. 20 - To Environment and Agriculture)

HB 541-FN, relative to a uniform dwelling unit tax assessed by towns and cities to pay the local portion of funding for schools. (Hoar of Rockingham Dist. 6 - To Municipal and County Government)

HB 542, relative to regulating increases in manufactured housing parks. (Doucette of Cheshire Dist. 17; Blacketor of Cheshire Dist. 12; LaMar of Cheshire Dist. 16; Apple of Merrimack Dist. 9. - To State Institutions and Housing)

HB 543, enabling towns to hold special meetings to purchase land for conservation purposes. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 544-FN, relative to medical waste. (Maviglio of Belknap Dist. 1; Marston of Strafford Dist. 6; Wiggin of Carroll Dist. 4; Vaughn of Rockingham Dist. 27 - To Health, Human Services and Elderly Affairs)

HB 545-FN, relative to drug-free schools. (Chase of Rockingham Dist. 28 - To Children, Youth and Juvenile Justice)

HB 546-FN, relative to the water protection assistance program. (Bardsley of Merrimack Dist. 1; McCann of Strafford Dist. 7; Conroy of Rockingham Dist. 7; Currier of Dist. 7; Bass of Dist. 11; Bond of Dist. 1; King of Dist. 2 - To Resources, Recreation and Development)

HB 547, revising the definition of "dam." (Hall of Hillsborough Dist. 16 - To Resources, Recreation and Development)

HB 548, relative to siting New Hampshire housing finance authority projects. (Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 549-FN, requiring the public utilities commission to approve purchases and conversions by electric utilities. (Hall of Merrimack Dist. 7; Chambers of Grafton Dist. 12 - To Science, Technology and Energy)

HB 550, relative to temporary emergency zoning ordinances. (Copenhaver of Grafton Dist. 12 - To Municipal and County Government)

HB 551-FN, regarding emergency evacuation plans for nuclear facilities. (Hollingworth of Rockingham Dist. 17 - To Science, Technology and Energy.)

HB 552-FN, relative to assessment of conservation lands. (Hager of Merrimack Dist. 21 - To Municipal and County Government)

HB 553, relative to the Wentworth-Douglass Hospital charter. (Torr of Strafford Dist. 6; Torr of Dist. 21 - To Constitutional and Statutory Revision)

HB 554, relative to the advisory council on the sale and fitting of hearing aids. (Drabinowicz of Hillsborough Dist. 32 - To Health, Human Services and Elderly Affairs)

HB 555, relative to damaged and rebuilt vehicles. (G. Katsakiores of Rockingham Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 556, relative to the rulemaking authority and powers and duties of the board of governors and the administrative board of the department of postsecondary vocational-technical education. (LaMott of Grafton Dist. 5 - To Education)

HB 557, relative to restoration and preservation of covered wooden bridges. (Scho-tanus of Sullivan Dist. 1; Matson of Cheshire Dist. 7; Pearson of Belknap Dist. 5; Torr of Dist. 21 - To Public Works)

HB 558, relative to accessible polling places. (Frechette of Strafford Dist. 8 - To Constitutional and Statutory Revision)

HB 559-FN, regarding electric utility service territories. (Barber of Cheshire Dist. 17; Hall of Merrimack Dist. 7; Spear of Cheshire Dist. 13 - To Science, Technology and Energy)

HB 560, regarding funding measures established by municipalities to repay loans from the state water pollution control revolving loan fund. (G. Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

HB 561, relative to the protection of public funds. (Packard of Hillsborough Dist. 15 - To Commerce, Small Business and Consumer Affairs)

HB 562-FN, making technical changes in the election laws. (Flanagan of Rockingham Dist. 8; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

HB 563, relative to land surveyors and condominiums. (Torr of Strafford Dist. 6; Torr of Dist. 21 - To Municipal and County Government)

HB 564, permitting awards of enhanced damages in civil suits against intoxicated drivers. (Dwyer of Hillsborough Dist. 41 - To Judiciary)

HB 565, relative to the state board of education. (Larson of Grafton Dist. 9; Bond of Dist. 1 - To Education)

HB 566, relative to investments by town trustees. (Fields of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13 - To Municipal and County Government)

HB 567-FN, relative to expenditure of excess moneys by school districts. (Robinson of Hillsborough Dist. 12; Hough of Dist. 5 - To Education)

HB 568-FN, regarding noise pollution control. (Packard of Hillsborough Dist. 15; Pantzer of Merrimack Dist. 11 - To Public Protection and Veterans Affairs)

HB 569-FN, to regulate drivers at motor vehicle race tracks. (Vartanian of Rockingham Dist. 20 - To Public Protection and Veterans Affairs)

HB 570-FN-A, establishing a forgivable teaching loan program and making an appropriation therefor. (Larson of Grafton Dist. 9; Spencer of Strafford Dist. 4; Robinson of Hillsborough Dist. 12; Disnard of Dist. 8; Johnson of Dist. 17 - To Education)

HB 571-FN, establishing standards for mediators. (Jacobson of Merrimack Dist. 2; Dwyer of Hillsborough Dist. 41; Martling of Strafford Dist. 4; Nelson of Dist. 13 - To Judiciary)

HB 572-FN, relative to an impact fee authorization statute. (Hunt of Cheshire Dist. 9; Spear of Cheshire Dist. 13; Bass of Dist. 11 - To Municipal and County Government)

HB 573-FN, relative to municipal budget law. (Campbell of Belknap Dist. 5 - To Municipal and County Government)

HB 574-FN, relative to licensure of mental health professionals. (Hawkins of Belknap Dist. 5; Rep. McCain of Rockingham Dist. 11. - To Executive Departments and Administration)

HB 575-FN, relative to campaign financing. (Flanagan of Rockingham Dist. 8; Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

HB 576-FN, relative to cruelty to animals. (Pantzer of Merrimack Dist. 11; Packard of Hillsborough Dist. 15 - To Environment and Agriculture)

HB 577-FN, establishing a New Hampshire head injury advisory council. (Olimpio of Carroll Dist. 7; Krasker of Dist. 24; Bond of Dist. 1 - To Health, Human Services and Elderly Affairs)

HB 578-FN, relative to victim's assistance. (Spencer of Strafford Dist. 4; Copenhagen of Grafton Dist. 12; Martling of Strafford Dist. 4; Knight of Hillsborough Dist. 6; Bickford of Strafford Dist. 10; Krasker of Dist. 24; Bond of Dist. 1; Preston of Dist. 23; McLane of Dist. 15; Torr of Dist. 21 - To Judiciary)

HB 579-FN, permitting certain policemen and firemen to join the New Hampshire retirement system. (Hoar of Rockingham Dist. 6; Campbell of Belknap Dist. 5; Dupont of Dist. 6 - To Executive Departments and Administration)

HB 580-FN, relative to surplus land and the housing finance authority. (Bardsley of Merrimack Dist. 1 - To State Institutions and Housing)

HB 581-FN-A, relative to the residential specialist program and making an appropriation therefor. (Mayhew of Coos Dist. 3; O'Rourke of Hillsborough Dist. 35; LaMott of Grafton Dist. 5; Bolduc of Belknap Dist. 10; Disnard of Dist. 8; Nelson of Dist. 13; Bond of Dist. 1; Hough of Dist. 5; Krasker of Dist. 24 - To Education)

HB 582-FN, relative to a committee to review surface water use restrictions on the public waters of the state. (Maviglio of Belknap Dist. 1; Young of Strafford Dist. 10 - To Resources, Recreation and Development)

HB 583-FN, relative to the vote required to form or to make an annexation to a cooperative school district. (Wheeler of Hillsborough Dist. 10; Barry of Hillsborough Dist. 10; Prestipino of Hillsborough Dist. 10; Perham of Hillsborough Dist. 10; Holden of Hillsborough Dist. 9; Bass of Dist. 11 - To Education)

HB 584-FN, relative to bad checks. (Lovejoy of Rockingham Dist. 7 - To Judiciary)

HB 585-FN, relative to funding the costs of minimum standards for elementary schools. (Campbell of Rockingham Dist. 20; Buco of Rockingham Dist. 20; Fesh of Rockingham Dist. 7; Lovejoy of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Education)

HB 586-FN, relative to siting and permitting of solid and hazardous waste disposal facilities. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 587-FN, relative to license plates and decals for persons with walking disabilities. (Gage of Rockingham Dist. 20 - To Transportation)

HB 588-FN, enabling municipalities to impose capital improvement impact fees. (McCann of Strafford Dist. 7; Scharff of Strafford Dist. 6; Spear of Cheshire Dist. 13 - To Municipal and County Government)

HB 589-FN, to define "retired state employee" for state employees group insurance purposes. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 590-FN, relative to submitting municipal financial reports to the department of revenue administration. (West of Merrimack Dist. 21; King of Rockingham Dist. 4;

Soucy of Hillsborough Dist. 39; Cowenhoven of Hillsborough Dist. 9; Wadsworth of Grafton Dist. 13 - To Municipal and County Government)

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. (Scanlan of Grafton Dist. 11 - To Commerce, Small Business and Consumer Affairs)

HB 592-FN, relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service. (Hawkins of Belknap Dist. 5; Blaisdell of Dist. 10; Hough of Dist. 5 - To Executive Departments and Administration)

HB 593-FN, relative to collective bargaining. (Hawkins of Belknap Dist. 5; Robinson of Hillsborough Dist. 12 - To Labor, Industrial and Rehabilitative Services)

HB 594-FN, relative to health care coverage for retired persons. (Hawkins of Belknap Dist. 5; Torr of Dist. 21 - To Executive Departments and Administration)

HB 595-FN, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 596-FN, limiting personal liability of fire department and emergency rescue services personnel. (Burling of Sullivan Dist. 1; Disnard of Dist. 8 - To Judiciary)

HB 597-FN, relative to installments for repair cost. (Hoar of Rockingham Dist. 6; Miller of Cheshire Dist. 1 - To Municipal and County Government)

HB 598-FN, allowing towns to fix a village district for the establishment of a police department, and relative to a village district formed by the towns of Franconia and Sugar Hill. (Densmore of Grafton Dist. 3; Bond of Dist. 1 - To Municipal and County Government)

HB 599-FN, enabling cities and towns to adopt an optional exemption for real estate occupied by physically handicapped. (Rose of Grafton Dist. 11 - To Municipal and County Government)

HB 600-FN, relative to the tax lien for the elderly and the disabled. (Forsythe of Rockingham Dist. 6; Rose of Grafton Dist. 11 - To Municipal and County Government)

HB 601-FN, relative to optional property tax exemptions for the elderly. (Forsythe of Rockingham Dist. 6; Rose of Grafton Dist. 11 - To Municipal and County Government)

HB 602-FN, relative to distribution of state documents to certain postsecondary institutions. (Blacketor of Cheshire Dist. 12; Turner of Belknap Dist. 11; Blaisdell of Dist. 10; King of Dist. 2 - To Legislative Administration)

HB 603-FN, relative to state-owned land. (Blanchard of Rockingham Dist. 26; Dickinson of Carroll Dist. 2; Bond of Dist. 1; Heath of Dist. 3 - To Executive Departments and Administration)

HB 604-FN, relative to classifying land for purposes of the land use change tax. (Blacketor of Cheshire Dist. 12; Cowenhoven of Hillsborough Dist. 9; Fields of Hillsborough Dist. 13; Saunders of Carroll Dist. 5; Ward of Grafton Dist. 1; King of Dist. 2 - To Environment and Agriculture)

HB 605-FN, relative to a recycling logo. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 606-FN, relative to approvable plans for solid waste management districts. (Millard of Merrimack Dist. 4; Torr of Dist. 21; Dupont of Dist. 6 - To Environment and Agriculture)

HB 607-FN, relative to deposits on dairy cases. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 608-FN, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities. (Rodeschin of Sullivan Dist. 2; Wright of Rockingham Dist. 23; Dupont of Dist. 6; Podles of Dist. 16 - To Science, Technology and Energy)

HB 609-FN, establishing a pilot program for jury selection, service and compensation in one county. (Pelley of Strafford Dist. 10 - To Judiciary)

HB 610-FN, to provide property tax credits for Hampton residents who are not connected to a sewer line. (Malcolm of Rockingham Dist. 17; Parr of Rockingham Dist. 17; Hawkins of Belknap Dist. 5; Rosencrantz of Rockingham Dist. 15; Preston of Dist. 23 - To Municipal and County Government)

HB 611-FN, relative to service dogs. (Hager of Merrimack Dist. 21 - To Health, Human Services and Elderly Affairs)

HB 612-FN, relative to nursing home care costs paid by counties. (Schotanus of Sullivan Dist. 1; Oleson of Coos Dist. 7; Martling of Strafford Dist. 4; Record of Hillsborough Dist. 23; Copenhaver of Grafton Dist. 12; Disnard of Dist. 8; Bond of Dist. 1 - To Appropriations)

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 614-FN, relative to public welfare fraud. (West of Merrimack Dist. 21 - To Judiciary)

HB 615-FN, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation. (Manus of Merrimack Dist. 17; Wells of Rockingham Dist. 5; Turner of Belknap Dist. 11 - To Labor, Industrial and Rehabilitative Services)

HB 616-FN, relative to the public utilities commission. (Vogler of Belknap Dist. 4 - To Science, Technology and Energy)

HB 617-FN, relative to the public utilities commission appointing a receiver for a public water utility. (Vogler of Belknap Dist. 4 - To Science, Technology and Energy)

HB 618-FN, relative to grandparent's rights. (Doucette of Cheshire Dist. 17; Brown of Strafford Dist. 11 - To Children, Youth and Juvenile Justice)

HB 619-FN, relative to the cost to counties for performing autopsies. (Marsh of Coos Dist. 1; Oleson of Coos Dist. 7; Theriault of Coos Dist. 8; Bond of Dist. 1 - To Municipal and County Government)

HB 620-FN, relative to the maintenance of boat launching ramps and related parking areas. (Fillion of Merrimack Dist. 15; Boucher of Rockingham Dist. 23 - To Resources, Recreation and Development)

HB 621-FN, relative to state employee compensation for snow handling. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 622-FN, relative to vested deferred retirement benefits for group I members. (Campbell of Belknap Dist. 5 - To Executive Departments and Administration)

HB 623-FN, relative to the appraisal of open space land. (Chandler of Carroll Dist. 1 - To Environment and Agriculture)

HB 624-FN, relative to penalties for violations of motor vehicle laws by minors. (Record of Hillsborough Dist. 23; G. Katsakiores of Rockingham Dist. 7; P. Katsakiores of Rockingham Dist. 7 - To Children, Youth and Juvenile Justice)

HB 625-FN, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses. (Record of Hillsborough Dist. 23 - To Children, Youth and Juvenile Justice)

HB 626-FN, relative to binding arbitration for public employees. (Blacketer of Cheshire Dist. 12; Doucette of Cheshire Dist. 17; Blaisdell of Dist. 10 - To Labor, Industrial and Rehabilitative Services)

HB 627-FN, regarding beverage container redemption and recycling. (Hall of Hillsborough Dist. 16 - To Environment and Agriculture)

HB 628-FN, relative to time period for perambulation of town or city boundries. (Nelson of Coos Dist 8; Kilbride of Coos Dist 8; Oleson of Coos Dist 7; Mayhew of Coos Dist 3 - To Municipal and County Government)

HB 629-FN, relative to gravesites. (Gage of Rockingham Dist. 13 - To Public Protection and Veterans Affairs)

HB 630-FN, relative to the time for assessing property taxes following a complete reassessment in a city or town. (Hawkins of Belknap Dist 5; Bond of Dist 1 - To Municipal and County Government)

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 632, relative to the confidentiality of quality assurance records of community mental health centers. (Foster of Cheshire Dist. 17 - To Health, Human Services and Elderly Affairs)

HB 633-FN, establishing a study committee to examine ethics in government involving public officials and public employees. (Lachance of Strafford Dist. 3; Hunt of Cheshire Dist. 9 - To Legislative Administration)

HB 634-FN, relative to "black liquor" and municipalities. (Weddle of Rockingham Dist. 24; Pantelakos of Rockingham Dist. 24 - To Environment and Agriculture)

HB 635-FN, relative to protecting federally subsidized housing. (Bourque of Hillsborough Dist. 35; Nardi of Hillsborough Dist. 35; King of Dist. 2 - To State Institutions and Housing)

HB 636-FN, relative to an optional property tax exemption for widows. (Forsythe of Rockingham Dist. 6; Rose of Grafton Dist. 11 - To Municipal and County Government)

HB 637, relative to the conduct of tax sales for failure to pay real estate taxes. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 638, relative to evictions in the wintertime. (Bourque of Hillsborough Dist. 35; Nardi of Hillsborough Dist. 35 - To State Institutions and Housing)

HB 639-FN, relative to the disposition of acquired rail properties. (Hoar of Rockingham Dist. 6 - To Transportation)

HB 640-FN, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan. (Olimpio of Carroll Dist. 7 - To Education)

HB 641-FN, relative to withholding conservation funds from communities which do not provide low and moderate income housing. (Weddle of Rockingham Dist. 24 - To State Institutions and Housing)

HB 642-FN, enabling certain cities and towns to adopt an optional adjusted elderly exemption. (Hoar of Rockingham Dist. 6 - To Municipal and County Government)

HB 643-FN, relative to retention and destruction of district court records. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1 - To Judiciary)

HB 644-FN, enabling cities and towns to adopt an optional veterans exemption. (Matson of Cheshire Dist. 7 - To Municipal and County Government)

HB 645-FN, relative to the penalty for the failure to file the inventory of polls and property. (Markley of Grafton Dist. 6 - To Municipal and County Government)

HB 646-FN, relative to distribution to schools of sweepstakes revenues on a student per capita basis. (LaMott of Grafton Dist. 5; O'Rourke of Hillsborough Dist. 35; Nelson of Dist. 13 - To Education)

HB 647-FN, establishing a committee to locate temporary housing for persons diagnosed with AIDS or cancer. (Trombly of Merrimack Dist. 4 - To Health, Human Services and Elderly Affairs)

HB 648-FN, relative to vehicles impeding the flow of traffic. (Trombly of Merrimack Dist. 4 - To Transportation)

HB 649-FN, relative to special number plates for firefighters. (Trombly of Merrimack Dist. 4 - To Transportation)

HB 650-FN, relative to removing certain municipal officers. (West of Merrimack Dist. 21 - To Municipal and County Government)

HB 651-FN, relative to adoption fees and information about birthparents. (Wallner of Merrimack Dist. 21 - To Children, Youth and Juvenile Justice)

HB 652-FN, relative to discounts and credit terms for the sale of wine. (Avery of Cheshire Dist. 5; Roulston of Rockingham Dist. 20 - To Regulated Revenues)

HB 653-FN, regarding credit on solid waste disposal delivery contracts. (Harland of Sullivan Dist. 8; Burling of Sullivan Dist. 1; Gilmore of Strafford Dist. 7; Scharff of Strafford Dist. 6 - To Environment and Agriculture)

HB 654-FN, authorizing of the New Hampshire Federation of Teachers participation in the New Hampshire retirement system. (Sage of Hillsborough Dist. 30; Toomey of Hillsborough Dist. 27; Nelson of Dist. 13 - To Executive Departments and Administration)

HB 655-FN, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer. (Boucher of Merrimack Dist. 9 - To Commerce, Small Business and Consumer Affairs)

HB 656-FN, relative to resellers of telecommunication services. (Bicknell of Hillsborough Dist. 22 - To Science, Technology and Energy)

HB 657, excepting certain landfills and other waste facilities from local junk yard regulation. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 658-FN, relative to taking depositions of child witnesses in criminal cases. (Jones of Hillsborough Dist. 20 - To Children, Youth and Juvenile Justice)

HB 659-FN, eliminating an exemption for subdividers of land. (Sherburne of Rockingham Dist. 2 - To Municipal and County Government)

HB 660-FN, establishing a statewide conference on families. (Cooke of Rockingham Dist. 20; Sytek of Rockingham Dist. 20; Roulston of Rockingham Dist. 20; Klemm of Rockingham Dist. 22; Micklon of Rockingham Dist. 20; Raynowski of Rockingham Dist. 20; Delahunty of Dist. 22 - To Children, Youth and Juvenile Justice)

HB 661-FN, relative to notification to downstream municipalities concerning effluent discharges. (Maviglio of Belknap Dist. 1 - To Resources, Recreation and Development)

HB 662-FN, prohibiting police departments and security forces from charging a fee to private businesses for unrequested police protection. (Lachance of Strafford Dist. 3 - To Public Protection and Veterans Affairs)

HB 663, requiring the tax collector and the tax assessor in certain towns to certify tax reports. (Malcolm of Rockingham Dist. 17; Hollingworth of Rockingham Dist. 17 - To Municipal and County Government)

HB 664-FN, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights. (Wallner of Merrimack Dist. 21; McGovern of Rockingham Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 665-FN, establishing an advisory board on boating. (G. Katsakiores of Rockingham Dist. 7 - To Transportation)

HB 666-FN, relative to insurance benefits for mental and nervous conditions. (Wright of Rockingham Dist. 23 - To Commerce, Small Business and Consumer Affairs)

HB 667-FN, relative to aircraft owned, leased, or operated by the state. (Welch of Rockingham Dist. 10; Barberia of Merrimack Dist. 6; Eno of Grafton Dist. 6 - To Legislative Administration)

HB 668-FN, relative to personal watercraft hearings. (G. Katsakiores of Rockingham Dist. 7 - To Transportation)

CACR 6, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. (Holden of Hillsborough Dist. 9 - To Constitutional and Statutory Revision)

CACR 7, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Belknap Dist. 5 - Constitutional and Statutory Revision)

CACR 8, relating to providing child care services for legislators. Providing that members of the legislature be provided on-site child care services or be compensated for having to obtain child care. (Harland of Sullivan Dist. 8; Scharff of Strafford Dist. 6 - To Legislative Administration)

CACR 9, relating to mandated programs. Providing that the state shall not mandate that political subdivisions expend funds for any state programs or responsibilities unless the local legislative body votes to agree. (Bucio of Rockingham Dist. 20; Cooke of Rockingham Dist. 20; Micklon of Rockingham Dist. 20; Senter of Rockingham Dist. 9; Raynowska of Rockingham Dist. 20 - To Constitutional and Statutory Revision)

CACR 10, relating to a limit on spending increases of 5 percent at all levels of government. Providing that no government entity including the state, any state agency, city, town, school district, village district, water district, sewer district, county or other governmental entity shall increase its total spending by more than 5 percent per year, unless approved by a 2/3 vote of those members of the legislative body present and voting. (Welch of Rockingham Dist. 10; Barberia of Merrimack Dist. 6; Pepino of Hillsborough Dist. 37; Chase of Rockingham Dist. 28; Eno of Grafton Dist. 6; Ouellette of Hillsborough Dist. 48 - To Constitution and Statutory Revision)

CACR 11, relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

CACR 12, relating to compensation of the legislature. Providing that the compensation of the legislature shall not be controlled through the constitution. (Pierce of Cheshire Dist. 17 - To Constitutional and Statutory Revision)

CACR 13, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hillsborough Dist. 40 - To Judiciary)

CACR 14, relating to removing members of the general court. Providing that the secretary of state shall request the resignation of or shall remove, if resignation is refused, any member of the general court who is absent from the legislature for at least 50 percent of the session days in a legislative session; vacancies be filled by appointment of the candidate with the next largest number of votes; if the member ran unopposed then a special election shall be held to fill the vacancy. (Oleson of Coos Dist. 7 - To Constitutional and Statutory Revision.)

CACR 15, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. (Hall of Hillsborough Dist. 16 - To Constitutional and Statutory Revision)

HCR 3, petitioning the United States Congress for a national recycling policy. (Millard of Merrimack Dist. 4 - To State-Federal Relations)

HCR 4, relative to a free and independent Palestinian state. (Oleson of Coos Dist. 7 - To State-Federal Relations)

HBI 2002, relating to alcohol education programs for DWI offenders. (Lozeau of Hillsborough Dist. 25 - To Health, Human Services and Elderly Affairs)

RECESS

(Deputy Speaker Burns in the Chair)

Reps. Blacketor and Kurk offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 669 through 711 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 669, prohibiting non-biodegradable single use plastic items. (Malcolm of Rockingham Dist. 17; Gage of Rockingham Dist. 13; Grodin of Cheshire Dist. 6; Torr of Dist. 21 - To Environment and Agriculture)

HB 670-FN, relative to public accommodation of physically handicapped persons. (Pappas of Hillsborough Dist. 37; Frank of Hillsborough Dist. 13; Krueger of Sullivan Dist. 6; Chase of Rockingham Dist. 28; Micklon of Rockingham Dist. 20; St. Jean of Dist. 20; Stephen of Dist. 18 - To Health, Human Services and Elderly Affairs)

HB 671-FN, relative to the overpayment of taxes by municipalities. (Cox of Hillsborough Dist. 18; Wright of Hillsborough Dist. 18; Cowenhoven of Hillsborough Dist. 9; Holden of Hillsborough Dist. 9; Bass of Dist. 11 - To Municipal and County Government)

HB 672-FN, relative to immediate administrative license revocation and blood alcohol content tests, and relative to color-coded minors' and probationary licenses. (Spencer of Strafford Dist. 4; Bickford of Strafford Dist. 10; Scharff of Strafford Dist. 6; Wall of Strafford Dist. 4 - To Judiciary)

HB 673-FN, relative to appraising property with newly constructed or renovated buildings. (Shaw of Merrimack Dist. 7 - To Municipal and County Government)

HB 674-FN, relative to the community spouse under the Catastrophic Aid Act. (Mason of Hillsborough Dist. 8; Lockwood of Merrimack Dist. 6; Copenhaver of

Grafton Dist. 12; Parks of Strafford Dist. 6; McLane of Dist. 15; Krasker of Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 675, to eliminate straight ticket voting. (Toomey of Hillsborough Dist. 27; Arnesen of Grafton Dist. 7; Woodburn of Coos Dist. 6; McCann of Hillsborough Dist. 31; Lozeau of Hillsborough Dist. 25 - To Constitutional and Statutory Revision)

HB 676, relative to the operation of OHRVs on rights-of-way. (Scanlan of Grafton Dist. 11; Magee of Dist. 12 - To Fish and Game)

HB 677, relative to modification of child support guidelines. (Domini of Sullivan Dist. 5; Pignatelli of Hillsborough Dist. 31; Bean of Grafton Dist. 13; Roberge of Dist. 9; Podles of Dist. 16 - To Children, Youth and Juvenile Justice)

HB 678, relative to visitation rights. (Brown of Strafford Dist. 11; Bickford of Strafford Dist. 10; Pelley of Strafford Dist. 10; Doucette of Cheshire Dist. 17 - To Children, Youth and Juvenile Justice)

HB 679, creating a school tax exemption for certain nonprofit organizations. (Jasper of Hillsborough Dist. 19 - To Municipal and County Government)

HB 680-FN, relative to recycling bottom ash. (Millard of Merrimack Dist. 4; Peyron of Sullivan Dist. 2; Disnard of Dist. 8 - To Environment and Agriculture)

HB 681-FN, relative to workers' compensation. (MacDonald of Rockingham Dist. 7; Reidy of Hillsborough Dist. 45; Charbonneau of Dist. 14 - To Labor, Industrial and Rehabilitative Services)

HB 682-FN, establishing a fire service training fund to pay the costs of establishing a fire academy in New Hampshire. (Ballou of Belknap Dist. 5; Dyer of Hillsborough Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 683-FN, creating a study committee to examine financing of kindergarten costs. (Hawkins of Belknap Dist. 5 - To Education)

HB 684-FN, prohibiting obscene words and depictions on bumper stickers and T-shirts and prohibiting house parties where minors may consume alcoholic beverages and drugs. (Ballou of Belknap Dist. 5 - To Judiciary)

HB 685-FN, relative to tenant evictions. (Bourque of Hillsborough Dist. 35; Nardi of Hillsborough Dist. 35 - To State Institutions and Housing)

HB 686, relative to cable television franchises. (Guay of Coos Dist. 7 - To Commerce, Small Business and Consumer Affairs)

HB 687, relative to terms of local land use board members. (Manus of Merrimack Dist. 17; West of Merrimack Dist. 21 - To Municipal and County Government)

HB 688-FN, relative to equalizing tax rates within a cooperative school district. (Nichols of Merrimack Dist. 2; Currier of Dist. 7 - To Municipal and County Government)

HB 689-FN, regarding air emission ash from waste and energy facilities. (Peyron of Sullivan Dist. 2; Disnard of Dist. 8 - To Environment and Agriculture)

HB 690, relative to surplus funds and expenditures by candidates. (Pappas of Hillsborough Dist. 37 - To Constitutional and Statutory Revision)

HB 691-FN, relative to recording of ancient plats. (LaMott of Grafton Dist. 5 - To Municipal and County Government)

HB 692, relative to county sheriffs. (McRae of Hillsborough Dist. 6; Domaingue of Hillsborough Dist. 42; Cowenhoven of Hillsborough Dist. 9; Robinson of Hillsborough Dist. 12; Guilbert of Hillsborough Dist. 24 - To Municipal and County Government)

HB 693-FN, relative to the leasing of submerged or intertidal lands. (Wall of Strafford Dist. 4; Scharff of Strafford Dist. 6; Marston of Strafford Dist. 6; Burton of

Strafford Dist. 4; Blanchard of Rockingham Dist. 26 - To Resources, Recreation and Development)

HB 694-FN, relative to dogs and cats. (McCann of Hillsborough Dist. 31 - To Public Protection and Veterans Affairs)

HB 695-FN, requiring cash refunds for returns of merchandise. (Beaupre of Hillsborough Dist. 42 - To Commerce, Small Business and Consumer Affairs)

HB 696-FN, to define public safety hazardous duty employees for New Hampshire retirement system purposes. (Hawkins of Belknap Dist. 5 - To Executive Departments and Administration)

HB 697-FN, establishing an information registry relative to head injuries. (Olimpio of Carroll Dist. 7; Krasker of Dist. 24 - To Health, Human Services and Elderly Affairs)

HB 698, relative to insurance coverage for chiropractic. (Welch of Rockingham Dist. 10; Blacketor of Cheshire Dist. 12; Blaisdell of Dist. 10; Stephen of Dist. 18 - To Commerce, Small Business and Consumer Affairs)

HB 699-FN, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence. (Pepino of Hillsborough Dist. 37 - To Judiciary)

HB 700-FN, changing the penalty for felonious use of firearms. (Pepino of Hillsborough Dist. 37 - To Judiciary)

HB 701, relative to the Ashuelot Valley refuse disposal district. (Spear of Cheshire Dist. 13; Avery of Cheshire Dist. 5; Gordon of Cheshire Dist. 5; LaMar of Cheshire Dist. 16; Hunt of Cheshire Dist. 9 - To Environment and Agriculture)

HB 702-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. (Arnesen of Grafton Dist. 7 - To Constitutional and Statutory Revision)

HB 703, relative to personal watercraft. (Green of Hillsborough Dist. 36 - To Transportation)

HB 704-FN, relative to the disclosure of potential conflicts of interest by elected state officials and establishing a state ethics office. (McGovern of Rockingham Dist. 27; Nelson of Dist. 13; Magee of Dist. 12 - To Legislative Administration)

HB 705-FN, relative to drug-free school zones and increasing penalties for drug offenses. (Hawkins of Belknap Dist. 5 - To Children, Youth and Juvenile Justice)

HB 706-FN, relative to eliminating PUC jurisdiction over contracts between municipalities and other entities. (Pearson of Belknap Dist. 5; Turner of Belknap Dist. 11; Hawkins of Belknap Dist. 5; Rice of Belknap Dist. 8 - To Science, Technology and Energy)

HB 707-FN, relative to safety restraint systems in passenger cars. (Arnesen of Grafton Dist. 7; Ahrens of Hillsborough Dist. 13; Copenhaver of Grafton Dist. 12; Pappas of Hillsborough Dist. 37; Culbert of Hillsborough Dist. 20; Hough of Dist. 5 - To Health, Human Services and Elderly Affairs)

HB 708, relative to the Free Trade Agreement between the United States and Canada. (Hawkins of Belknap Dist. 5 - To State-Federal Relations)

HB 709, relative to use of recording devices by plaintiffs and defendants. (Ouellette of Hillsborough Dist. 48 - To Judiciary)

HB 710, regulating the use of social security numbers by the department of safety. (Kurk of Hillsborough Dist. 3; Copenhaver of Grafton Dist. 12; Mace of Rockingham Dist. 21; Nelson of Dist. 13 - To Transportation)

HB 711-FN, relative to auditing the accounts of joint solid waste disposal and resource recovery facilities established under the authority of the interstate solid waste compact. (Harland of Sullivan Dist. 8 - To Municipal and County Government)

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 6

Thursday, February 9, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 1:00 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain.

Amazing God, who sometimes tells us to hurry up, sometimes to slow down, and sometimes just to wait patiently, help us to listen carefully in the midst of our labors. We take our work seriously, and we earnestly try to understand. Yet surely there are times when we need to step back and gain perspective, and listen to other voices.

We give You thanks for life, Generous Spirit—for its celebrations and sorrows, and for every opportunity we have to grow as people of faith and vision, who will struggle when it is easier to quit, who will listen when it is easier to ignore, and who will dare to hope in the face of despair.

Grant us the gifts which equip us for this day. Amen.

Rep. Vaughn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Pratt, Gerald Merrill, Lewis, Nichols, Clyde Eaton, Ann Derosier, Manus, Eunice Campbell, Asplund, Holmes, Pierce, Palazzo and Biondi, the day, illness.

Reps. Tufts, Normandin, Marilyn Campbell, Schmidtchen, Gureckis, Pantzer, Caswell, Douglas Hill, Chambers, O'Rourke, LaMott, Sytek, Musler, Rodgers and Peters, the day, important business.

Rep. Laurent, the day, death in the family.

Rep. Kane, Jane Harland, and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Eleanor Dawson of Hampton, guest of Rep. Parr; the eighth grade from Oyster River Middle School in Durham and their teacher, Julie Heon, guests of Rep. Wall.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 712 through 754 and Constitutional Amendment Concurrent Resolution numbered 16, and House Concurrent Resolution numbered 5, and House Resolution numbered 15, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACR, HCR and HR**First, second reading and referral**

HB 712, relative to the relationship of the fish and game commission and the executive director of the fish and game department. (Boucher of Rockingham Dist. 23 - To Fish and Game)

HB 713-FN, relative to establishment of mutual insurance companies by municipalities. (Jacobson of Merrimack Dist. 2 - To Commerce, Small Business and Consumer Affairs)

HB 714-FN, relative to non-driver's picture identification cards. (McCann of Hillsborough Dist. 31; Guilbert of Hillsborough Dist. 24; Record of Hillsborough Dist. 23; Nelson of Dist. 13; Magee of Dist. 12; Charbonneau of Dist. 14 - To Public Protection and Veterans Affairs)

HB 715, relative to a capital improvement plan; the capital budget; and a debt management plan. (Pearson of Belknap Dist. 5; Marsh of Coos Dist. 1; Kurk of Hillsborough Dist. 3 - To Public Works)

HB 716, to codify certain boating and water safety rules. (Maviglio of Belknap Dist. 1; Lewis of Merrimack Dist. 5; Young of Strafford Dist. 10 - To Transportation)

HB 717, relative to parenting plans. (Pantelakos of Rockingham Dist. 24; Palazzo of Rockingham Dist. 16 - To Children, Youth and Juvenile Justice)

HB 718, relative to sewer districts. (Smith of Hillsborough Dist. 21 - To Municipal and County Government)

HB 719-FN, relative to a minimum service retirement allowance for group II members. (Gage of Rockingham Dist. 20 - To Executive Departments and Administration)

HB 720-FN, relative to school district special meetings. (Wheeler of Hillsborough Dist. 10; Perham of Hillsborough Dist. 10; Prestipino of Hillsborough Dist. 10 - To Education)

HB 721-FN, relative to allowing the city of Portsmouth to adopt an ordinance prohibiting hunting. (Chase of Rockingham Dist. 28 - To Fish and Game)

HB 722-FN, regarding solid waste management districts. (Millard of Merrimack Dist. 4; Torr of Dist. 21; Dupont of Dist. 6 - To Environment and Agriculture)

HB 723-FN, regarding the acid rain control act. (Millard of Merrimack Dist. 4 - To Environment and Agriculture)

HB 724, allowing a liquor store in Charlestown. (Domini of Sullivan Dist. 5; Hinrichsen of Sullivan Dist. 5; Schotanus of Sullivan Dist. 1; Behrens of Sullivan Dist. 3; Disnard of Dist. 8; Currier of Dist. 7 - To Regulated Revenues)

HB 725-FN, relative to the highway fund. (Marsh of Coos Dist. 1; Rodeschin of Sullivan Dist. 2; Pearson of Belknap Dist. 5; Bond of Dist. 1 - To Public Works)

HB 726, relative to bylaws which regulate electioneering. (Gage of Rockingham Dist. 13; Anderson of Rockingham Dist. 13; Heath of Dist. 3 - To Constitutional and Statutory Revision)

HB 727, relative to municipal rent control in manufactured housing parks. (Pierce of Cheshire Dist. 17 - To State Institutions and Housing)

HB 728, relative to water conservation plumbing fixtures. (Eno of Grafton Dist. 6; Barberia of Merrimack Dist. 6; Sage of Hillsborough Dist. 30; Culbert of Hillsborough Dist. 20 - To Resources, Recreation and Development)

HB 729-FN, requiring labeling of solid waste collection containers by commercial waste haulers. (Kuchinski of Hillsborough Dist. 28 - To Environment and Agriculture)

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations. Lown of Hillsborough Dist. 9; Kurk of Hillsborough Dist. 3; Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 731, dedicating the state police barracks in Milford to Major John T. Conti. (Prestipino of Hillsborough Dist. 10; Perham of Hillsborough Dist. 10; MacDonald of Carroll Dist. 6; Bass of Dist. 11 - To Public Works)

HB 732, relative to family and catastrophic medical leave standards. (Barry of Hillsborough Dist. 10; Spear of Cheshire Dist. 13; Merrill of Strafford Dist. 4; Burton of Strafford Dist. 4 - To Commerce, Small Business and Consumer Affairs)

HB 733-FN, relative to solid waste reduction. (Arnesen of Grafton Dist. 7; Miller of Cheshire Dist. 1; Stamatakis of Sullivan Dist. 4; Hall of Merrimack Dist. 7; Hollingworth of Rockingham Dist. 17; Hough of Dist. 5 - To Environment and Agriculture)

HB 734-FN, creating a solid waste landfill reduction and cleanup program. (Parks of Strafford Dist. 6; Chambers of Grafton Dist. 12; Densmore of Grafton Dist. 3; Palumbo of Rockingham Dist. 10; Delahunty of Dist. 22; Magee of Dist. 12; Bond of Dist. 1 - To Environment and Agriculture)

HB 735-FN, establishing a study committee to examine school administration and certain school curricula. (Jacobson of Merrimack Dist. 2 - To Education)

HB 736, relative to a local option for incinerator siting. (Tufts of Rockingham Dist. 13 - To Environment and Agriculture)

HB 737-FN, amending the joint state-capitol city planning commission. (Hager of Merrimack Dist. 21 - To Legislative Administration)

HB 738-FN, relative to hearings under the bail laws. (Stamatakis of Sullivan Dist. 4 - To Judiciary)

HB 739-FN, to create an island real estate property tax exemption. (Foster of Cheshire Dist. 17; Guest of Grafton Dist. 12 - To Municipal and County Government)

HB 740-FN, prohibiting hazing. (Lachance of Strafford Dist. 3 - To Judiciary)

HB 741-FN, relative to the debt owed the state by the workers involved in the Simplex labor dispute. (Weddle of Rockingham Dist. 24; LaMott of Grafton Dist. 5; Toomey of Hillsborough Dist. 27 - To Labor, Industrial and Rehabilitative Services)

HB 742-FN, relative to retirement benefits for legislative staff and constitutional officers. (Hawkins of Belknap Dist. 5; McLane of Dist. 15; Blaisdell of Dist. 10 - To Legislative Administration)

HB 743-FN, relative to reconstruction of buildings destroyed by arson. (Weddle of Rockingham Dist. 24 - To Municipal and County Government)

HB 744-FN, establishing a road pay back fee system. (Smith of Hillsborough Dist. 21 - To Municipal and County Government)

HB 745-FN, relative to the hazardous material transportation advisory board. (Weddle of Rockingham Dist. 24; Toomey of Hillsborough Dist. 27; Whitcomb of Grafton Dist. 1; Magee of Dist. 12 - To Environment and Agriculture)

HB 746-FN, regarding waste reduction and recycling and imposing a disposal fee on certain containers and products. (Merrill of Strafford Dist. 4; Klemarczyk of Rockingham Dist. 13; King of Dist. 2 - To Environment and Agriculture)

HB 747-FN, relative to a returnable beverage container system. (Cox of Hillsborough Dist. 18; Wright of Hillsborough Dist. 18 - To Environment and Agriculture)

HB 748, relative to anatomical gifts accepted by medical or dental schools. (Chambers of Grafton Dist. 12; Palumbo of Rockingham Dist. 10 - To Health, Human Services and Elderly Affairs)

HB 749-FN, relative to the sale of fireworks and levying a tax thereon. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1; Pierce of Cheshire Dist. 17 - To Ways and Means)

HB 750-FN, establishing a redevelopment commission relative to Pease Air Force Base. (Palumbo of Rockingham Dist. 10; Phelps of Merrimack Dist. 1; Vartanian of Rockingham Dist. 20; Torr of Strafford Dist. 6 - To Legislative Administration)

HB 751, relative to state-issued bonds sold at a discount. (Skinner of Rockingham Dist. 21; Palumbo of Rockingham Dist. 10. - To Public Works)

HB 752-FN, relative to domestic violence. (Spear of Cheshire Dist. 13; Burton of Strafford Dist. 4; Gage of Rockingham Dist. 13; Krasker of Dist. 24; Roberge of Dist. 9; Podles of Dist. 16 - To Judiciary)

HB 753-FN, relative to logging laws and forest resources. (Ward of Grafton Dist. 1 - To Resources, Recreation and Development)

HB 754, relative to the offering of energy services by electric utilities. (Hall of Merrimack Dist. 7 - To Science, Technology and Energy)

CACR 16, relating to the item veto in certain bills passed by the general court. Providing that the governor may strike out or reduce items or sections in the operating, capital or supplemental budget bills and a majority vote of the entire membership of each house would be required to override any such veto or reduction. (Pepino of Hillsborough Dist. 37 - To Constitutional and Statutory Revision)

HCR 5, encouraging business and industries in New Hampshire to offer "good student" discounts. (Palumbo of Rockingham Dist. 10 - To Education)

HR 15, calling for certain measures to be taken by the executive branch of state government unless and until certain conditions are met by the Public Service Company of New Hampshire. (Chambers of Grafton Dist. 12; Matson of Cheshire Dist. 7; Densmore of Grafton Dist. 3; Spear of Cheshire Dist. 13 - To Legislative Administration)

COMMUNICATION

James A. Chandler
House Clerk

Dear Mr. Chandler,

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Councilors on February 1, 1989.

Hillsborough County District No. 46 (Manchester Ward 11)

Rachel I. Racicot, r, Manchester (276 Cartier Street) 03102

Sincerely,

Karen H. Ladd

Assistant Secretary of State

Rep. Racicot was assigned to the Committee on Constitutional and Statutory Revision.

SENATE MESSAGES

REQUESTS CONCURRENCE

SB 5, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation.

SB 6, extending the statute of limitations for certain fish and game offenses.

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark.

SB 8, relative to workers' compensation coverage of firemen.

SB 9, to clarify how to designate highways to summer cottages.

SB 10, repealing a chapter on floating timber and damage therefrom.

SB 12, relative to the Uniform Gifts to Minors law.

SB 13, relative to the definition of legislative and governing bodies of municipalities.

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses.

SB 15-FN, relative to New Hampshire hospital reimbursements for certain observations.

SB 20, relative to the method of taking deer in the city of Dover.

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning.

SB 27, relative to the liability of landowners for pollutant clean-up.

SB 29-FN, relative to nonabandonment of dedicated streets.

SB 30-FN, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry.

SB 34, nullifying the sunset termination of the port authority scheduled for July 1, 1989.

SB 39, establishing a speed limit for power boats on Spofford Lake.

SB 46-FN, relative to wage withholding for child support.

SB 47, authorizing a day for fishing without a license.

SB 51-FN, relative to the Christa McAuliffe planetarium.

SB 53-FN, relative to assessing time share interests.

SB 54-FN, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 55, relative to the children's trust fund for the prevention of child abuse and neglect.

SB 60, relating to recording dock permits.

SB 63-FN, relative to enforcement of child medical support.

SB 84, to require drivers on motorcycles to wear eye and face protection.

SB 91-FN, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957.

SB 94-FN, authorizing the sale of liquor and beverages in additional areas under a liquor license.

SB 114, relative to speed limits on certain roads.

SB 118-FN, relative to private rights-of-way and class VI highways.

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth.

SB 122-FN, relative to member retirement deductions for certain group II members.

SB 137-FN, relative to the language, phrasing, and explanation of ballot questions.

SB 161, authorizing regional agreements for water resources management and protection plans.

SB 171-FN, relative to revenue distribution.

SB 1-FN-A, making an appropriation to the liquor commission for air conditioning.

SB 3-FN, relative to child passenger restraints in motor vehicles.

SB 4-A, making supplemental appropriations for fiscal year 1989.

SB 16, relative to post-termination commissions paid to sales representatives.

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands.

SB 31, relative to renovation of the Rochester post office as a district court facility.

SB 32-FN, relative to drug offenses.

SB 43-FN, relative to licensing engineers, architects, and land surveyors.

SB 44-FN, requiring the Superior Court to adjudicate paternity in certain contested cases.

SB 52, relative to drug paraphernalia.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 58-A, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge.

SB 73-FN, establishing a committee to study taxing all tobacco products

SB 76, establishing a committee to study durable powers of attorney for health care.

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation.

SB 88-FN, providing a cost of living adjustment for certain group I members.

SB 95-FN, establishing a minimum fine for violating the boat decibel limits.

SB 97-FN, relative to the distribution of drug forfeiture money.

SB 107, relative to the right to know law.

SB 115-FN, establishing a committee to study private sector involvement in public education.

SB 125, adopting the uniform trade secrets act.

SB 140-FN, relative to elderly property tax exemptions and increases in the assessed valuation of real estate.

SB 146-FN, relative to judicial salaries.

SB 151-A, directing the commissioner of the department of transportation to complete New Hampshire Route 101.

SB 152-FN-A, relative to a study of a portion of the Spaulding Turnpike and making appropriation therefor.

SB 157-FN, relative to special license plates for solid waste haulers.

SB 172-FN-A, relative to the capital reserve fund and making an appropriation therefor.

SB 173, adopting uniform commercial code article 2A.

SB 174-FN, relative to regulation of estheticians.

SB 180, relative to abandoned vehicles.

SB 181, making technical changes in certain laws relating to dams.

SB 185-FN, establishing a board of natural scientists study committee.

SB 189, relative to the study of New Hampshire commuter rail service.

SB 192-FN, relative to certification of landscape architects.

SB 196-FN, relative to bail reform.

SB 199, relative to the revocation or suspension of fish and game licenses.

SCR 2-FN, recognizing the importance of recycling.

SCR 3, establishing a national veterans' cemetery in New England.

CACR 1, relating to meetings of the general court. Providing that the general court shall meet biennially.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB4-A, making supplemental appropriations for fiscal year 1989. (Appropriations)

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

HB 12, relative to rulemaking of the pesticide control board of the department of agriculture, was removed at the request of Rep. Spear.

HB 142-FN, relative to liability of expenses for the support and necessities of minors. Ought to Pass.

This bill requires parents or persons chargeable for a minor's support and necessities to submit information on Social Security payments, inclusive of insurance coverage to the court for the establishment of court-ordered reimbursement to the state. Vote 18-0. Rep. Juanita L. Bell for Children, Youth and Elderly Affairs

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor. Ought to Pass with Amendment.

This bill requires that the Division for Children and Youth Services, Department of Health and Human Services, pay for the maintenance of the child of minor mothers when the mother and child are placed at the same facility. No new appropriation is necessary for this to take place. Vote 17-0. Rep. Josephine Mayhew for Children, Youth and Elderly Affairs.

Amendment

Amend RSA 169-B:40, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

Amend RSA 169-C:27, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

Amend RSA 169-D:29, I(d) as inserted by section 3 of the bill by replacing it with the following:

(d) Liability for placement expenses for any court ordered placement of any minor mother under this chapter shall include liability for placement expenses for the child or children of such minor mother if the minor mother and child or children are placed at the same facility.

Amend the bill by deleting sections 4 and 5 and renumbering section 6 to read as 4.

AMENDED ANALYSIS

This bill requires that the division for children and youth services, department of health and human services, pay for the maintenance of a child or children of minor mothers when the mother and child or children are placed at the same facility and provides an appropriation for that purpose.

The bill was requested by the division for children and youth services.

HB 15, repealing certain laws relative to measuring wood. Ought to Pass.

This bill uses the term 128 cubic feet as the standard term to identify a cord of wood. This also conforms to the federal laws which the Department of Agriculture

must follow. Vote 14-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

HB 16, relative to advertising potatoes. Ought to Pass.

Since potatoes are now being advertised on other media, which the current law does not identify, this bill requires the grade of potatoes be stated for all forms of advertising. Vote 16-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 42, relative to actuarial review of rate filings. Ought to Pass with Amendment.

This bill allows the Insurance Commissioner to contract for actuarial services for the purpose of determining rates to be charged. The bill requires that expenses be borne by the insurer or insurance rating organization submitting the rate filing. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Actuarial Charge to be Borne by Insurance Organization. Amend RSA 400-A:10 by inserting after paragraph II the following new paragraph:

III. Notwithstanding the funds limitation in paragraph I, the commissioner may, for the purpose of determining the proper rates to be charged, contract with a qualified consulting actuary or consulting actuarial firm to examine and analyze rate filings submitted to the insurance department. The expenses associated with any actuarial services performed related to a rate filing shall be borne by the insurer or insurance rating organization submitting the rate filing.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the insurance commissioner to contract for actuarial services for the purposes of determining rates to be charged. The bill requires that expenses be borne by the insurer or the insurance rating organization.

HB 43, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation. Ought to Pass.

The bill transfers authority to approve and register professional bondsmen from the Insurance Commissioner to the Director of the Office of Securities Regulation. The bill was requested by the Insurance Department. Vote 15-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 44, relative to confidentiality of certain information filed with the insurance commissioner. Inexpedient to Legislate.

This bill was requested by the Insurance Department. It was intended to protect attorney/client and other confidentiality rights with regard to privileged information supplied to the department by insurance companies subject to its regulation. The bill needs substantial revision and should be introduced in another session. Vote 15-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

HB 71, relative to the department of education. Ought to Pass.

House Bill 71 is housekeeping legislation introduced at the request of the Department of Education. The bill transfers the responsibility for school testing and evaluation programs from the Division of Standards and Certification to the Division of Instructional Services, removes all references to the Board of Nursing and allows the

Commissioner to accept gifts, etc. for the purposes of advancing department policy objectives. Vote 11-0. Rep. Douglas A. Lachance for Education.

HB 56-FN-A, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor. Ought to Pass with Amendment.

This bill was requested by the Pesticide Division of the Department of Agriculture. This would establish a pesticide collection and disposal program for farmers who have unused, unwanted or prohibited pesticides. Fiscal Note calls for state expenditures of \$100,000 in FY90. Vote 16-0. Rep. Bonnie Lou McCann for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 Pesticide Disposal. The New Hampshire department of agriculture, division of pesticide control, is authorized to administer and conduct a pesticide waste collection and disposal program for farmers. The division shall establish central collection sites to which farmers may bring unwanted pesticides for disposal. The collection sites shall be serviced by a New Hampshire permitted hazardous waste transporter. This program shall be managed in accordance with New Hampshire hazardous waste rules He-P 1905 and federal rules regulating hazardous waste. For the purposes of this act, farmer shall mean an individual who farms, as defined in RSA 21:34-a.

Referred to Appropriations.

HB 57-FN-A, appropriating funds to the department of agriculture to continue work on the Eastern States Building. Ought to Pass.

This bill appropriates money to continue the repairs and renovations at the New Hampshire Building at Eastern States. This building is an asset to the state and should be kept in good repair. Vote 14-0. Fiscal Note calls for state expenditures of \$22,000 in FY90 and \$42,000 in FY91. Rep. Marilyn R. Campbell for Environment and Agriculture.

Referred to Appropriations.

HB 58-FN-A, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. Ought to Pass with Amendment.

The Committee believes that this should be a line item budget in the Department of Agriculture, rather than a separate bill, and requests that this be done now and in the future. Vote 14-0. Fiscal Note calls for state expenditures of \$29,400 for FY90. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$29,400 for the biennium ending June 30, 1991, is hereby appropriated to the department of agriculture for the purpose of inspection of apiaries for the presence of the honeybee tracheal mite, varroa mite and Africanized bee and for prevention of honeybee colony contamination by these pests in accordance with RSA 429. This appropriation shall be in addition to any other funds appropriated to the department of agriculture. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates funds for the biennium ending June 30, 1991, to the department of agriculture, for the inspection of apiaries and the prevention of honeybee colony contamination.

This bill is a request of the department of agriculture.

Referred to Appropriations.

HB 62-FN, adding administrative fines to the laws relative to auctioning and shipping livestock. Ought to Pass with Amendment.

This bill was requested by the Department of Agriculture to authorize the Commissioner of Agriculture to levy administrative fines for violations of the laws relative to auctioning and shipping livestock. The fine shall be in addition to existing criminal penalties. Vote 14-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

HB 63-FN, relative to equine infectious anemia. Ought to Pass with Amendment.

This bill is requested by the Department of Agriculture. It gives the Commissioner rulemaking authority and the right to impose administrative fines under the Equine Infectious Anemia Law. Vote 14-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

HB 65-FN, adding administrative fines to certain provisions of the agriculture laws. Ought to Pass with Amendment.

This bill was requested by the Department of Agriculture. It adds administrative fines to other penalties for violations of the laws relative to diseases of domestic animals. Vote 14-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Amendment

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

HB 27, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow. Ought to Pass.

Because of the large "buildup" of the town of Bow, this bill makes two-thirds of the town open for hunting only with "bow and arrow, shotgun and muzzle loading rifles." The one-third of the town that is open to all hunting is at present quite underdeveloped. Voted 18-0. Rep. Gerald R. Smith for Fish and Game.

HB 99-FN, relative to establishing a uniform fine schedule for fish and game law violations. Ought to Pass.

This bill permits a person guilty of a Fish and Game violation to plead guilty or nolo contendere and to pay the fine by mail as is now done for driving violations. Vote 12-0. Rep. Lester R. Perham for Fish and Game.

HB 41, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors. Ought to Pass with Amendment.

This bill clarifies that districts may be formed for the appointment and compensation of municipal prosecutors. Vote 16-3. Rep. Beverly A. Hollingworth for Judiciary

Amendment

Amend RSA 41:10-a as inserted by section 1 of the bill by replacing it with the following:

41:10-a Municipal Prosecutors. The selectmen of towns are hereby authorized to appoint and compensate one or more qualified members of the New Hampshire bar to serve as municipal prosecutors to represent the state, in place of police officers, in cases involving civil causes, violations and misdemeanors within the jurisdiction of the municipal or district courts except as provided in RSA 502-A:20-a *and* **RSA 502:26-c**. Said municipal prosecutors shall serve at the pleasure of the [selectmen] *appointing authority*. Two or more [towns] *municipalities* may engage the services of a single municipal prosecutor as provided in [RSA 53-A:3, VIII-a] **RSA 53-A**.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies that districts may be formed by municipalities for the appointment and compensation of municipal prosecutors.

HB 73, relative to legal actions involving real estate. Inexpedient to Legislate.

The Committee felt that the bill was much too sweeping and an invasion of the court's discretion involving real estate. Vote 15-0. Rep. W. Kent Martling for Judiciary.

HB 158, relative to arrests without a warrant. Inexpedient to Legislate.

This bill is unnecessary as current police procedures allow timely arrests in these circumstances. Vote 19-0. Rep. Thomas U. Gage for Judiciary.

HBI 2001, relating to mandatory prison sentences for certain felons. Inexpedient to Legislate.

As designed, this Bill of Intent will impinge upon the court's sentencing prerogative by imposing a mandatory three-day period of incarceration for felony convictions in which the court has elected a sentence of more than 90 days community service. Sentencing is a prerogative of the court based on longstanding tradition. In sentencing, the Court among other things relies on its court experience, an unbiased report by a Probation Officer and a recommendation by the Prosecutor. Additionally, there would be an unnecessary administrative burden on the correction system. Vote 19-0. Rep. Robert E. Murphy for Judiciary.

HB 10, relative to legalizing the March 30, 1987, Conway Village Fire District meeting. Ought to Pass with Amendment.

Legalizing of this meeting was requested on advice of bond counsel for future borrowing. The amended section authorizes the supervisors of the checklist to appoint the village district commissioners to serve as checklist supervisors for the Annual Town Meeting and was drafted with concurrence of the Office of the Secretary of State. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to legalizing the Conway Village Fire District meeting of March 30, 1987, and to supervisors of the checklist for the Conway annual town meeting.

Amend the bill by replacing all after section 1 with the following:

2 Town of Conway; Supervisors of the Checklist. The checklist supervisors of the town of Conway shall appoint the village district commissioners for each district to serve as supervisors of the checklist for the annual town meeting.

3 Effective date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill legalizes all actions, votes, and proceedings of the Conway Village Fire District meeting of March 30, 1987.

The bill also authorizes the supervisor of the checklist of the town of Conway to appoint the village district commissioners to serve as checklist supervisors for the annual town meeting.

HB 14, relative to legalizing the Epping town meeting of March, 1988. Ought to Pass with Amendment.

House Bill 14, as amended, legalizes the town meetings of 1988 for Epping and Northwood. Both towns, on voting to adopt the "tax lien" procedure, did not use a written ballot. Following the town meeting of 1988 many towns followed the same procedure and all that followed correct procedures otherwise were legalized. Northwood and Epping followed the correct procedures as these towns, and the Committee is of the opinion the meetings should be legalized. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to legalizing town meetings.

Amend the bill by replacing all after section 1 with the following:

2 Northwood Town Meeting. All actions, votes, and proceedings of the Northwood regular town meeting held on March 12, 1988, are hereby legalized, ratified, and confirmed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes the Northwood town meeting held on March 12, 1988, and the Epping town meeting held in March 1988.

HB 74, extending the time for the filing of a report by the municipal charter study committee. Ought to Pass.

The Committee unanimously supports the need to continue this study committee. It further acknowledges the importance of guiding municipalities in their charter adoptions. The previous study committee did not have adequate time to prepare well thought-out legislation. Vote 18-0. Rep. Leona Dykstra for Municipal and County Government.

HB 178-FN, relative to continuing the study committee reviewing the liquor laws. Ought to Pass.

The bill extends the date of completing the study on the proposed changes to the Liquor Laws of the state. The Committee felt the one year extension was necessary to complete a thorough study. The volume of work needed most certainly indicates this requirement. No testimony was entered in opposition. Vote 18-0. Rep. William J. Desrosiers for Regulated Revenues.

HB 122-FN, relative to concession contracts at certain state facilities. Ought to Pass.

House Bill 122 changes from one to three years when concession contracts must be recorded with the Registry of Deeds in the county/counties where the lands involved are situated. Further, concession contracts must now be valued at \$2,500, rather than \$100. Not only is bureaucratic red tape eliminated, but the bill still permits concession contract review by Governor and Council under provisions of RSA 219:11-a. Vote 15-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

(Regular Calendar)

HB 136-FN-A, relative to education in unorganized places and making an appropriation therefor. Ought to Pass.

This legislation will enable overdue monies collected from local districts to be paid to receiving districts. Fiscal Note calls for state expenditures of \$73,504 in fiscal year ending June 30, 1989. Vote 12-0. Rep. Leo J. Spencer for Education.

The Chair called for a Division.

305 members having voted in the affirmative, and 10 in the negative, the report was adopted.

Referred to Appropriations.

HB 161, extending the illiteracy and dropout prevention legislative study committee. Ought to Pass.

This bill extends the Illiteracy and Dropout Prevention Legislative Study Committee. The Committee established in the last session would be continued through the biennium in order to continue its study. Vote 14-2. Rep. Nils H. Larson for Education.

* Division was requested.

On a voice vote the Chair was in doubt and called for a division.

292 members having voted in the affirmative and 34 in the negative, the report was adopted.

Ordered to third reading.

HB 18, decriminalizing adultery. Ought to Pass.

Although this Committee does not sanction adultery, it feels it is necessary to realize that while it is wrong it is not "criminal." Allowing it to remain part of the criminal laws makes a mockery by showing its unenforceability. Currently, an avenue exists in civil law which sends out the same "message" enforcing our beliefs in the proper context. Adultery remains a personal issue between husbands and wives to deal with, not government. Morality, while important, cannot be legislated. Vote 14-4. Rep. Donnalee M. Lozeau for Judiciary.

*Note: * means that 4 Division Votes were taken to test the electronic voting system.*

Rep. Hatch moved that the words Inexpedient to Legislate be substituted for the Committee Report, Ought to Pass, spoke to the motion and yielded to questions.

Rep. Scott Green spoke against the motion.

Rep. Healy spoke in favor of the motion.

Rep. Burling spoke against the motion and yielded to questions.

Rep. Jasper spoke in favor of the motion.

Rep. Lozeau spoke against the motion.

Rep. Hatch requested a roll call. Sufficiently seconded.

YEAS 149**NAYS 201****YEAS 149****BELKNAP**

Ballou, Richard A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Bolduc, Dennis R.
Locke, Matthew J.
Richardson, Lawrence
White, James J.

Golden, Paul A.
Pearson, Ralph W.
Rosen, Ralph J.

CARROLL

Chase, Russell C.

Daly, Robert J., Jr.

MacDonald, Kenneth J.

CHESHIRE

Avery, Stephen G.
Gordon, Irvin H.
Sawyer, Alfred P.

Cole, Stacey W.
Grodin, Richard A.
Young, David A.

Delano, Robert F.
Perry, David M.

COOS

Brungot, Catherine V.
Nelson, Harold D.

Guay, Lawrence J.
Theriault, Romeo J.

Marsh, Beaton

GRAFTON

Adams, Carl S.
Driscoll, William J.
Markley, J. Keith
Townsend, Howard C.

Christy, C. Dana
Eno, Larry E.
Rose, William B.
Whitcomb, Henry F., Jr.

Dow, David O.
Hill, Richard L.
Stewart, Roger

HILLSBOROUGH

Barry, Janet G.
Cox, Gladys M.
Desrosiers, William J.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Grip, Robert H.
Hatch, William H.
Hunter, Bruce F.
Keefe, Edmund M.
Kress, Gloria W.
Lefebvre, Roland J.
Morrissette, Roland A.
Packard, Bonnie B.
Prestipino, Bartolo V.
Riley, Frances L.

Beaupre, Roland O.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dykstra, Leona
Foote, Herbert N., Sr.
Genest, Fernand A.
Guilbert, Lionel
Healy, Daniel J.
Jasper, Shawn N.
King, John A.
Kurk, Neal M.
Mason, Howard F.
Nardi, Theodora P.
Pepino, Leo P.
Provost, Gilles R.
Schneiderat, Catherine A.

Bicknell, Robert C.
Desrochers, Gerard
Drabinowicz, A. Theresa
Elliott, Larry G.
Frank, Nancy G.
Goulet, Maurice E.
Harlan, Susan N.
Hultgren, David D.
Johnson, Lionel W.
Knight, Alice Tirrell
Lawrence, Norman B.
McRae, Karen
Ouellette, Robert O.
Perham, Lester R.
Record, Alice B.
Searles, Stanley N., Sr.

Soucy, Lillian E.
 Turgeon, Roland M.
 Wheeler, David K.

Steiner, Lee Anne S.
 Tyree, Paul M.
 Wihby, Linda S.

Tarpley, Nancy L.
 Vanderlosk, Stanley R.
 Wright, George W.

MERRIMACK

Barberia, Richard A.
 Millard, Elizabeth S.

Boucher, Laurent J.
 Whittemore, James A.

Hayes, Robert C.

ROCKINGHAM

Benton, Richardson D.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Gage, Thomas U.
 Hynes, Carolyn E.
 King, Roger C.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Remick, Barbara R.
 Vartanian, Elsie
 Welch, David A.

Brown, Jeffrey M.
 Cooke, Annette M.
 Fesh, Robert M.
 Gourdeau, Raymond H.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 McCarthy, John J., Jr.
 Parr, Ednapearl F.
 Roulston, Donald L.
 Vaughn, Charles L.
 Wells, Henry E.

Brown, Lewis W.
 Drake, Herbert R.
 Forsythe, Douglas G.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 McKinney, Betsy
 Raynowska, Bernard J.
 Splaine, John E., Sr.
 Warburton, Calvin

STRAFFORD

Brown, Julie M.
 Frechette, Roland A.
 Pelley, Janet R.
 Swope, Warren L.

Callaghan, Robert J.
 Kincaid, William K.
 Spencer, Leo J.
 Torr, Ann M.

Foss, Patricia H.
 Marston, Robert E.
 Sullivan, Henry P.
 Young, John B.

SULLIVAN

Brodeur, Robert J.
 Rodeschin, Beverly T.

Domini, Irene C.
 Stamatakis, Carol M.

MacAskill, Kenneth M.

NAYS 201

BELKNAP

Campbell, Richard H., Jr.
 Maviglio, Steven R.
 Ziegra, Alice S.

Hardy, Earle D.
 Randall, Kenneth A.

Hawkins, Robert S.
 Turner, Robert H.

CARROLL

Allard, Nanci A.
 Dodge, Arthur G., Jr.
 Powers, Gerard E., Jr.

Chandler, Gene G.
 Foster, Robert W.
 Saunders, Howard N.

Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth
 Wiggan, Allen R.

CHESHIRE

Barber, Robert E., Jr.
 Crutchley, Donald O.
 Foster, Katherine D.
 Matson, William R.
 Morse, JoAnn T.

Blacketor, Paul G.
 Doucette, Richard F.
 Hunt, John B.
 Metzger, Katherine H.
 Pearson, Gertrude B.

Cole, Kenneth A.
 Eaton, Daniel A.
 LaMar, David M.
 Miller, Jeffrey C.
 Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III
 Kilbride, Dennis J.
 Oleson, Otto H.

Dumont, Robert E.
 Lemire, George
 Woodburn, Jeffrey R.

Horton, Lynn C.
 Mayhew, Josephine

GRAFTON

Arnesen, Deborah L.
 Brown, Channing T.

Bean, Pamela B.
 Copenhaver, Marion L.

Bennett, Shirley M.
 Densmore, Edward D.

Guest, Robert H.
Scanlan, David M.
Ward, Kathleen W.

Larson, Nils H., Jr.
Teschner, Douglass P.
Weymouth, Philip H.

Nordgren, Sharon L.
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bourque, Ann J.
Burkush, Peter A.
Donovan, Francis X.
Dyer, Merton S.
Green, Scott E.
Jean, Romeo W.
Klose, John F.
Lown, Elizabeth D.
McDowell, James E.
Moore, Elizabeth A.
Pignatelli, Debora B.
Sallada, Roland A.
Toomey, Daniel

Alukonis, David J.
Barry, Vivian
Bowers, Dorothy C.
Cowenhoven, Garret P.
Dube, Ellen C.
Fields, Dennis H.
Hall, Betty B.
Jenkins, Mary
Lachut, Ervin R.
Lozeau, Donnalee M.
McNerney, Daniel P.
Murphy, Robert E.
Rheault, Lillian I.
Smith, Leonard A.
Upton, Barbara A.

Amidon, Eleanor H.
Boucher, Lionel R.
Brady, Carolyn L.
Dodge, Emma M.
Dwyer, Patricia R.
Ford, Nancy M.
Holden, Carol H.
Kelley, Robert N.
Long, Linda D.
McCann, Bonnie Lou
Messier, Irene M.
Pappas, Toni
Robinson, Ellen-Ann
Stiles, Walter A.
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Phelps, James D.
Soldati, Jennifer
Tolpin, Richard W.
West, George M.

Apple, Lowell D.
Braiterman, Thea G.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Jacobson, Alf E.
Lockwood, Robert A.
Shaw, Randall F.
Stio, Peter M.
Trombly, Rick A.

Bardsley, Elizabeth S.
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Pfaff, Terence R.
Smith, Gerald R.
Teague, Bert
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Boucher, William P.
Cote, Patricia L.
Flanders, Harry E.
Greene, Elizabeth A.
Hollingworth, Beverly A.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Palumbo, Vincent J., Jr.
Popov, Elizabeth M.
Sanderson, Patricia O.
Sherburne, John L.
Sochalski, Matthew M.
Wright, David B.

Bell, Juanita L.
Buco, Stephen W.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Haynes, Richard L.
Katsakiores, Phyllis M.
MacKinnon, Nancy W.
McCain, William F.
Pantelakos, Laura C.
Ritzo, Eugene
Senter, Merilyn P.
Simon, Peter M.
Stachowske, Vicki

Blanchard, MaryAnn N.
Conroy, Janet M.
Flanagan, Natalie S.
Ford, Bert H.
Hoar, John, Jr.
Klemm, Arthur P., Jr.
Mace, Ada L.
McGovern, Cynthia A.
Parsons, Robert F.
Rosencrantz, James R.
Seward, Russell G.
Skinner, Patricia M.
Weddle, Michael R.

STRAFFORD

Appleby, James E.
Burton, Wayne M.

Bernard, Mary E.
Dionne, Albert J.

Bickford, Drucilla
Flynn, Anita A.

Flynn, Edward J.
 Kinney, Paula J.
 McCann, William H., Jr.
 Parks, Joe B.
 Torr, Ralph W.
 Wall, Janet G.

Gilmore, Gary R.
 Lachance, Douglas A.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Tsiros, William
 Wheeler, Katherine Wells

Keans, Sandra B.
 Martling, W. Kent
 O'Brien, John
 Stewart, Glenn W.
 Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 Middleton, John A.

Burling, Peter Hoe
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 Lucier, Edward A., Jr.
 Schotanus, Merle W.

and the motion to substitute lost.

Question now being the adoption of the Committee report, Ought to Pass.

Ordered to third reading.

HB 115-FN, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving. Ought to Pass with Amendment.

The purpose of this legislation is to make driving after revocation a violation, notwithstanding driving after revocation when the license was not revoked due to reckless driving, DWI offenses or habitual offenders. The amendment changes the fine from \$1000 to \$500 in keeping with the current fines for violations. This bill contains no expenditures. Vote 15-3. Rep. Donnalee M. Lozeau for Judiciary.

Amendment

Amend 263:64, VII as inserted by section 3 of the bill by replacing it with the following:

VII. Except as provided in paragraphs IV and VI, any person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill reduces to a violation the misdemeanor offense of driving during a license revocation or suspension when it is a first offense and when it is unrelated to driving while intoxicated.

This bill also makes it a misdemeanor to drive during a license revocation or suspension for reckless driving.

The bill was requested by the judicial council.

On a voice vote the Chair was in doubt and called for a Division on the amendment. 256 members having voted in the affirmative and 39 in the negative, the amendment was adopted.

Ordered to third reading.

HB 47, relative to the Monadnock advisory commission. Inexpedient to Legislate

The Committee appreciates the effort represented by the area advisory commissions instituted by the Department of Resources and Economic Development and its interest in improving the viability of the Monadnock Advisory Commission. It believes, however, that the faults in this bill (such as purporting to have elected representatives serve at the pleasure of Selectmen) are severe, and the bill should not pass. Testimony from the Director of State Parks revealed that there are 16 such "advisory" commissions throughout the state. It would appear appropriate to entertain legislation at a later date addressing all of the advisory programs. Vote 17-1. Rep. Karen O. Wadsworth for Municipal and County Government.

*Division was requested.

317 members having voted in the affirmative and 10 in the negative, the report was adopted.

HB 198-FN-A, establishing an accreditation technical assistance program for law enforcement agencies and making an appropriation therefor. Inexpedient to Legislate.

The accreditation of New Hampshire police departments, after compliance with guidelines and criteria established by national police accreditation agencies, could result in many benefits to the residents of the particular community, and in turn, could have a salutary effect on crime prevention, crime detection and criminal justice procedures in New Hampshire. However, the accreditation process would primarily benefit the police departments of cities and large towns, and would be of minimal value or benefit to the dozens and dozens of small towns, whose police departments do not possess the personnel, equipment, space facilities and especially the funds to comply with the guidelines and criteria needed for accreditation. The Committee felt it both unwise and unfair to appropriate large sums of money (\$145,000 for the coming biennium, plus \$60,000 annually for 3 years thereafter) to establish another level of government which would benefit only a part of the law enforcement community. It is pointed out that any community, if it so desires, may appropriate funds by which the police department of that community could take action to deal directly with the accreditation authority and update its equipment, facilities, personnel, education, training, etc., and thus gain accreditation. It should also be noted that the cost of the accreditation process is between \$2,500 and \$7,500, depending on the personnel strength of the police department concerned. Also, much of the information which could help to update smaller police departments is already available from the Police Standards and Training Council and the New Hampshire State Police. Vote 10-5. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

* Division was requested.

322 members having voted in the affirmative and 11 in the negative, the report was adopted.

HB 12, relative to rulemaking of the pesticide control board of the department of agriculture. Ought to Pass.

The bill was a request of the Division of Pesticide Control, Department of Agriculture, to allow the adoption of rules under RSA 541-A without public hearing. Vote 12-2. Rep. Bonnie Lou McCann for Environment and Agriculture.

Rep. Townsend moved that the words Inexpedient to Legislate be substituted for the Committee Report, Ought to Pass, and spoke to his motion.

Rep. Sherburne spoke in favor of the motion.

* Division was requested.

326 members having voted in the affirmative and 5 in the negative, the motion was adopted.

Resolution adopted.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold a public hearing on SB 4-A, making supplemental appropriations for fiscal year 1989.

Rep. Hager explained the motion and yielded to questions.

The motion adopted by the necessary two-thirds.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet February 14, 1989 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 142-FN, relative to liability of expenses for the support and necessities of minors.

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor.

HB 15, repealing certain laws relative to measuring wood.

HB 16, relative to advertising potatoes.

HB 42, relative to actuarial review of rate filings.

HB 43, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation.

HB 71, relative to the department of education.

HB 62-FN, adding administrative fines to the laws relative to auctioning and shipping livestock.

HB 63-FN, relative to equine infectious anemia.

HB 65-FN, adding administrative fines to certain provisions of the agriculture laws.

HB 27, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow.

HB 99-FN, relative to establishing a uniform fine schedule for fish and game law violations.

HB 41, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors.

HB 10, relative to legalizing the Conway Village Fire District meeting of March 30, 1987, and to supervisors of the checklist for the Conway annual town meeting.

HB 14, relative to legalizing town meetings.

HB 74, extending the time for the filing of a report by the municipal charter study committee.

HB 178-FN, relative to continuing the study committee reviewing the liquor laws.

HB 122-FN, relative to concession contracts at certain state facilities.

HB 161, extending the illiteracy and dropout prevention legislative study committee.

HB 18, decriminalizing adultery.

HB 115-FN, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving.

Rep. Russell Chase addressed the House by Unanimous Consent.

Rep. Palumbo moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 2:30 p.m.

RECESS

(Rep. Ann Torr in the Chair)

Rep. Weddle offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 250, 350, 750 and 755 through 761 and House Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 250-FN, relative to the classified personnel system. (Palumbo of Rockingham Dist. 10; Ward of Grafton Dist. 1; Freese of Dist. 4 - To Executive Departments and Administration)

HB 350-FN, relative to the unclassified personnel system. (Palumbo of Rockingham Dist. 10; Ward of Grafton Dist. 1; Freese of Dist. 4 - To Executive Departments and Administration)

HB 755-FN, regarding shoreland protection. (Phelps of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 756-FN, relative to a housing appeals board and making an appropriation therefor. (Palumbo of Rockingham Dist. 10 - To Municipal and County Government)

HB 757, relative to wages during holiday weeks. (Pierce of Cheshire Dist. 17 - To Labor, Industrial and Rehabilitative Services)

HB 758-FN, relative to impact fees. (Phelps of Merrimack Dist. 1 - To Municipal and County Government)

HB 759-FN, relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery. (Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 760, relative to approval of rezoning plans by property owners. (Jones of Hillsborough Dist. 20 - To Municipal and County Government)

HB 761-FN, relative to the salaries of certain county officers. (Palumbo of Rockingham Dist. 10, Skinner of Rockingham Dist. 21, Warburton of Rockingham Dist. 6 - To Municipal and County Government)

HCR 6, inviting Chief Justice Brock to address a joint convention on the state of the judiciary. (Scamman of Rockingham Dist. 19, Bartlett of Dist. 19 - To Legislative Administration)

RECESS

(Speaker in the Chair)

Rep. Palumbo moved that the House adjourn

Adopted.

HOUSE JOURNAL No. 7

Tuesday, February 14, 1989

The House assembled at 1:00 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain.

Author of Creation, and keeper of Your people, as we gather today we are profoundly aware of the challenges which face us. There will be hard work and difficult choices as we debate the budget and confront stark realities.

We may be tempted to see only figures on the page and to work hard at being objective. Give us, as well, the gift of compassion. For what we debate is not ink on paper, but the lives of people who depend upon us to act.

Remind us that You have given us both abilities and responsibilities. We do not seek ways to duck these decisions, but rather the strength and conviction to make hard decisions well. Grant us, then, Your abiding presence in our labors, we pray. Amen.

Rep. Dykstra led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Whitcomb, Manus, Daniel Eaton, Richardson, Ann Derosier, Clyde Eaton, Wihby, Palazzo, Provencal and Stachowske, the day, illness.

Reps. Jones, Rodgers, Lawrence Chase, Kuchinski, Roulston, Pantzer, Jane Harland, Markley, Pantelakos, McRae and Parr, the day, important business.

Rep. Hatch, the day, death in the family.

Reps. Joseph MacDonald and Bean, the day, illness in the family.

INTRODUCTION OF GUESTS

Kristin Carter of Dallas, Texas and Lise Gschwend of Johannesburg, South Africa, guests of Rep. Dow; Dorothy Flint, wife of Rep. Flint; David Vartanian, guest of Rep. Vartanian.

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Honorable Senate in Joint Convention at 1:15 p.m., for the purpose of attending to a Budget Message by the Governor.

Adopted.

SUSPENSION OF RULES

Rep. Phelps moved that the rules be so far suspended so as to permit consideration at the present time of HB 459, authorizing the Lamprey Solid Waste Cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill.

Adopted by the necessary two-thirds.

HB 459, authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill. Ought to Pass with Amendment.

Passage of this bill will enable the Lamprey Solid Waste Cooperative to obtain financing for its new landfill at a lower cost than it is now paying. These savings will be passed onto the 13 member communities. There are no costs or obligations to the state. Vote 17-0. Rep. James D. Phelps for Public Works.

Amendment

Amend the bill by replacing section 3 of the bill with the following:

3 Effective Date. This bill shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES**REQUESTS CONCURRENCE**

SB 22. relative to certain forestry activities in wetlands.

SB 23. relative to the executive director of the liquor commission.

SB 24. relative to liquor store displays and promotions.

SB 40. requiring the department of safety to post headway speed limits on the Connecticut River.

SB 48-FN. authorizing the sale of a certain parcel of state land to a water district.

SB 50. relative to measuring liquid hazardous waste.

SB 71. authorizing the removal of a boat and mooring under certain circumstances.

SB 81-FN. relative to the management of court facilities.

SB 87-FN. relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease.

SB 90-FN. providing a 4% cost of living adjustment for group II members.

SB 93-FN. relative to the number of primary ballots to be used for computerized voting machines.

SB 96-A. relative to the Portsmouth district court and making an appropriation therefor.

SB 99-FN. supplementing the funding for programs which assist victims of domestic violence.

SB 108-FN. relative to Skyhaven airport in Rochester.

SB 120-FN. relative to acute care.

SB 127. relative to licensing physical therapists.

SB 141-FN. providing business profits tax credits for the sale of certain conservation and recreation land.

SB 145-FN. to authorize municipalities to establish special revenue funds.

SB 197-FN. granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety.

VACATE

Rep. Thomas Gage moved that the House vacate the reference of CACR 13, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons to the Committee on Judiciary.

Adopted.

The Speaker referred CACR 13 to the Committee on Constitutional and Statutory Revision.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the rules be so far suspended so as to permit consideration at the present time of HCR 6, inviting Chief Justice Brock to address a joint convention on the state of the judiciary.

Adopted by the necessary two-thirds.

Question being adoption of the resolution.
Ordered to third reading.

SENATE MESSAGE

The Senate is ready to meet in Joint Convention.

RECESS

JOINT CONVENTION

(Speaker presiding)

The Governor addressed the Joint Convention.

Mr. Speaker, Mr. President, Honorable members of the General Court.

I am pleased to have the opportunity to present to you, and to the citizens of New Hampshire, my operating and capital budgets for the next biennium.

We have heard a great deal recently from people in our state, and in society in general, about their concern for rising taxes. Some have called for a tax revolt. Yet, such "quick fix," single-focus responses to the tax issue cannot ultimately be beneficial. There are no gimmicks. A successful tax revolt requires an equally successful spending revolt. The only way to control taxes is to control spending. And that is what I intend to do.

Six weeks ago, when I assumed the office of Governor, I reviewed our state finances and determined that we had some serious problems. In fact, we were looking at a deficit for 1989 of at least \$13 million. In addition, there loomed significant fiscal problems in the coming biennium.

As a result of actions I initiated over the past six weeks, including an executive order cutting 3% from state expenditures and the request for a supplemental budget providing similar savings, we are now predicting a balanced budget for 1989. This is a long stride forward and one which resulted from making difficult decisions in a forthright and timely manner.

We now face the issue of addressing the next two years. It presents an even higher hurdle. I am here today to lead the effort by presenting a budget which is in balance, without raising new revenues.

I propose an operating budget which addresses the essential needs of the State of New Hampshire without compromising our underlying fiscal goals. This budget is balanced without reliance on either new taxes or the expansion of existing taxes. It maintains our commitment to high-quality services and fulfills my concerns in the areas of managing our growth, protecting our environment, and enhancing day-care and education.

This budget is driven by the reality that the fiscal challenges we now face are different from the challenges of the last two bienniums. Today we must reconcile leveling revenues with spending expectations borne in times of ever-increasing fiscal resources. And we must do this while always remembering that the voters of New Hampshire have made it very clear that they expect us to live within our revenues. My budget does just that.

Inherent in this budget is a recognition that our new fiscal scenario requires a careful and reasonable prioritization. I also recognize that others may not agree with this prioritization and that it is subject to review, and further action by the Legislature. However, I am confident that, working together, we can and will agree on a budget which provides for the essential needs of our citizens.

For the past three bienniums, our general fund revenues have expanded from a base of \$313 million in 1983 to an estimated \$570 million at the end of the current fiscal year. This is an increase in excess of \$250 million.

Keeping pace with this substantial revenue increase has caused an even more dramatic jump in general fund expenditures. In fact, spending increased by \$260 million for the same period.

The expectations built into our fiscal structure from such massive increases in both revenues and spending have naturally resulted in an assumption that both trends will continue. However, given our changing fiscal picture, we cannot maintain this pattern if we are to remain solvent.

Revenue growth for the state is slowing. In the four years prior to 1988, revenues increased 72%. In the four years from 1988 through 1991, revenues are projected to grow just 17 percent.

This revenue drop is the result of a number of factors. The first was a simple overestimation of the tax base which would result from the 1986 Federal Tax Reform, caused by an abnormal jump in revenue in the reform's first year. In addition, we have seen a slowing of the economy and a reduction in revenue from the Business Profits Tax and the Real Estate Transfer Tax.

In 1988, and now again in 1989, revenues have fallen well short of appropriations. Essentially, we are living off of a surplus built up in past years. By the end of this year, we will have used up the accumulated surplus and hopefully will be at a break-even point. Thus, in the next biennium we will not have a budget surplus to absorb costs that exceed revenues.

Let me turn briefly to this chart to explain the situation. We have here the revenue growth since 1985. You will notice that there was a peak in the growth in 1987 and then a substantial drop in revenues. This is a percentage graph. That peak was due to the 1986 Tax Reform Act.

This is a chart which shows the rate or percentage of increase of expenditures since 1985. Again you'll see that expenditures during this period, up to where we are today, have been averaging somewhere in the 12-13% range. If you overlay the tax percentage of increase over the spending percentage rate of increase, you will note that spending during this period significantly exceeded revenues. And that is the time when we have been living off the surplus.

Our goal in this budget will be to bring those lines together, as is shown on this graph.

If we allow government to continue to grow at the rate it has been growing over the past three bienniums, an annual compounded rate of 11%, we will not have adequate revenues to meet expenditures, and we will not have a surplus to fall back on as we do now.

This means, simply, that if we are to have a balanced budget, we must slow the rate of growth of state government. We must recognize the realistic challenge we face and act responsibly on the spending side of the ledger, and this is exactly what our budget does.

With the exception of general fund budget obligations which are not controllable, I have proposed to limit the rate of growth to 0.6 percent, with overall general fund growth set at 1.7 percent in 1990. The biennial rate of growth is the lowest of any Governor's budget proposal since 1975. Such a reduction in the rate of growth is absolutely necessary if we are to maintain a balanced budget without raising taxes.

The total appropriations proposed in my budget are \$1.5 billion in 1990 and \$1.6 billion in 1991. General fund appropriations for 1990 total \$615 million, with \$641 million in general fund appropriations for 1992. These general fund figures represent increases of 1.7 and 4.2 percent per year respectively, and \$213 million less than the amounts requested, including all additions requested.

This budget projects revenue growth to approximately \$602 million in 1990 and \$626 million in 1991. These assumptions represent increases in revenue of 5.5 percent and 4.1 percent per year, respectively. These anticipated revenues, combined with average normal budget lapses, will bring the budget into balance in each of the next two years.

Two other key factors must be considered in reviewing this proposed budget. First, as required by law, I have submitted the budget request for the Judicial Branch as it was supplied to me. However, out of fairness and equity in comparison to the other branches of government, I cannot support the requested increase in Judicial Branch appropriations in excess of 27% over the current biennium with expenditures for the year 1989.

Second, it is also important to recognize that an agreement with state employees on a new contract has not been achieved at this time, and this budget reflects no provisions for wage increases. Any such increases agreed upon in a final contract will need to be addressed by separate legislative initiatives.

This budget recognizes and provides for essential needs, and then goes still further. While on an overall basis the spending growth is modest in existing programs, I have recognized certain areas where we need to provide greater operating dollars. Thus, the budget for the Department of Corrections includes increased funding to operate new and expanded prison facilities, and certain environmental matters will require additional funding to deal with major needs for recycling, solid waste water treatment programs.

I would like now to highlight for you the key provisions of this budget.

To effectively address the effects of growth facing New Hampshire, we must have a broad, clear vision for the future, a blueprint which identifies our key environmental interests, concerns and resources. Therefore, I will create and fund at \$100,000 per year to the Governor's Commission on New Hampshire in the Twenty-First Century.

The Commission will be charged with first determining the unique characteristics of our state which we wish to preserve, enhance and develop, and then with outlining the steps which will lead us to those goals. With the guidance of the Commission, we can and will ensure that our children and grandchildren will enjoy the same quality of life tomorrow that we all cherish today.

I have provided additional funding of \$250,000 per year in the Office of State Planning to double the assistance provided to the regional planning offices. Regional planning is one of the most effective and successful ways to address growth issues and needs to be supported.

I have proposed an additional \$250,000 per year to fund recycling demonstration grants, administered through the Office of State Planning. A Community Technical Assistance Bureau has also been funded through the Department of Environmental Services to assist communities in establishing recycling and other solid-waste programs.

My budget includes \$26 million for state aid grants to communities to help meet the cost of building wastewater treatment plants. Further, I have added \$631,000 to ensure appropriate maintenance for the Lakes Region Wastewater Treatment Facility.

In addition to my legislative environment initiatives addressing shoreline protection and water access, I have proposed essential funding to begin the process of an in-depth review of all our environmental laws, to coordinate and streamline the explosion of activity which has developed over the past decade. I have also added significant new positions to help handle the growing number of environmental issues facing the state.

Thus, this budget aggressively addresses both my concerns about growth and my commitment to protect our environment.

In the area of education, I have established priorities which will continue the best of current state educational initiatives and will expand into new areas. The Governor's Initiatives for Excellence in Education will continue to be supported. From this program will come some of the most effective ways of assisting our teachers in teaching gifted children. Further, I have earmarked \$400,000 in 1990 and \$500,000 in 1991 to fund the Literacy and Dropout Prevention Program.

I believe that it is important to assist our towns with the capital costs of school system growth. Therefore, I have proposed an increase of approximately \$4 million each year of the biennium for school building aid over current budgeted levels.

In addition, I propose to fund catastrophic aid to schools in the amount of \$5 million for 1990 and \$5.2 million for 1991. However, I firmly believe that additional legislation is needed in both this area and in building aid to prevent expenditures from spiraling out of control in the future.

School foundation aid distributed under the Augenblick Formula is slated to increase slightly to \$38.1 million in 1990 and then again to \$39.1 million in 1991. Regional special education programs of \$2 million per year are also included.

Total sweepstakes funds are anticipated to increase from the 1989 projected level of \$27 million to \$33 million in 1990 and \$35 million in 1991. Education has the good fortune of having this dedicated revenue source, the only revenue source which is projecting strong growth.

This continued strong growth in sweepstakes revenue means that educational assistance will continue to grow. To further ensure that all communities will benefit from the significant increase of this fund, I am proposing the distribution of sweepstakes funds of \$1 million in 1990 and \$2 million in 1991 on a per capita basis.

In Postsecondary Vocational-Technical Education, the budget includes a proposed tuition rate increase of \$100 per year and other savings to the general fund, reflecting the success of tuition-increase programs and increased enrollments in the current biennium. The budget also includes \$100,000 per year to ensure the accreditation of the Stratham Vocational-Technical College.

An increase in funding for the University System of New Hampshire of 4% in 1990 and 5% in 1991 is proposed, along with recommendations for significant capital additions. This represents a strong commitment to the University System relative to other state agencies and a continuation of current funding policy in this area. In fact, on a percentage basis, the University System in 1990 is receiving almost twice the increase for the government generally and six times the average increase for the controllable departments.

In health and human services, substantial efforts have been made to review existing programs and to consider broad cost-containment efforts. While many programs were maintained, new initiatives were added and some reductions were also deemed necessary. I propose that the entire Department of Health and Human Services be granted transfer authority to enable the Department to contain its total spending increase.

The budget includes day-care funding in two critical areas. \$100,000 per year has been allocated for day-care provider training, and an additional \$150,000 per year has been assigned to a revolving day-care provider loan fund. As I said throughout my campaign, promoting quality day-care must be a priority and this budget reflects that commitment.

In the important area of children and youth settlement, I have budgeted \$20.2 million and \$21.3 million respectively for the years 1990 and 1991. In the last four years, this program has exploded from its original projected cost of \$3.5 million in 1986 to a projected high for the current fiscal year of \$22.1 million.

This program's exponential rate of growth has taken valuable resources away from other social services and educational areas, and it is essential to stabilize the costs of this program. I have proposed legislation to do so and I pledge to work with the Legislature to find the best solution to the settlement dilemma. We must do so in order to achieve a balanced budget for each year of the coming biennium.

My budget does include an increase in Foster Care grants totalling \$1.1 million in the biennium over fiscal year 1989. The budget also proposes the addition of eight Juvenile Service Officers at a cost of approximately \$260,000 per year, which reflects a reasonable level of new staff relative to what the system can effectively absorb.

In the area of Human Services, the budget recommends an increase in provider payments to physicians of approximately \$200,000 in 1990 and \$300,000 in 1991. A.F.D.C. caseloads are projected at a level 4,100 per year and include a 2% increase to the basic A.F.D.C. grant per year.

With respect to Mental Health, community grants are budgeted at \$21.9 million in 1990 and \$22.5 million in 1991. These amounts reflect the upwards trend experienced in this area from 1986 to 1988, when funding increased from \$15.1 million to \$22 million, but are reduced from the 1989 expected level of \$26.5 million. Community Development Service grants for the learning disabled, which grew 39% from 1986 through 1989, are continued on a basis consistent with the level expected in 1989.

Additionally, the budget continues funding at a level of \$500,000 per year for the Emergency Shelter Program to help address the needs of our homeless population.

For Elderly and Adult Services, the Social Services block grants to localities have been increased \$500,000 over the biennium, and state Nutrition grants have also increased \$69,000.

In the Arts, I have provided an additional \$100,000 in 1990 and \$150,000 in 1991 to ensure the continued vitality of our creative community. In addition, I have proposed \$500,000 in the biennium to help meet the Christa McAuliffe Planetarium operating needs.

My budget recommends the expansion of the Detective Bureau at the Department of Safety, as well as the addition of State Troopers for citizen protection. This will assist in ensuring that New Hampshire continues to be a safe place for law-abiding citizens and sends a strong message that this state will not tolerate criminal behavior.

In the Corrections Department, I have provided adequate funding to house an expanded inmate population and to operate the new women's prison. Another important program has been proposed with funding to provide for a new security-shock incarceration initiative. This program will hopefully reduce incarceration time and discourage repetitive criminal behavior.

The budget provides funding for a new Hazardous Material Training Program for New Hampshire Fire Departments and other fire emergency personnel at a cost in

excess of \$250,000 for the biennium. It is clear that great preparedness in this area is necessary and this appropriation, with others, will begin to address that need.

In the Department of Resources and Economic Development, I have increased the budget for tourism and travel promotion by \$500,000 over the biennium to bring the total appropriation for promotion to more than \$3.7 million. My belief is that these funds will be monies well spent, for they generate revenues considerably higher than the funds expended.

To address our transportation needs, funding has been provided to allow the Department of Transportation to stay on target for the 10 year highway plan and the 10-year turnpike expansion program. Specific funding for road and bridge maintenance and betterments is also included in the budget.

On a broader basis, overall state aid to cities and towns has been positively addressed in my budget. An analysis of major state aid and grants to cities and towns since 1985 and those proposed through the next biennium is enlightening.

The chart exhibited here graphically demonstrates that overall growth in the various state aid grants has considerably outpaced inflation since 1985. With the growth proposed in my budget, that same trend will continue into 1990 and 1991. Total education grant distributions have grown from \$21 million in 1985 to \$57 million in 1991. Growth in all major grant areas, including education, has gone from \$99 million in 1985 to a proposed \$165 million in 1991. State aid in these categories in 1991 will exceed 1985 inflation-adjusted spending by approximately 40%. This is a powerful demonstration of the fulfillment of the state's commitment in these areas.

With your indulgence, I would like now to turn to a brief outline of the capital budget. The Legislature, in conjunction with the prior administration, deserves tremendous credit for investing wisely in facilities which provide adequately for the delivery of services and for our institutional requirements.

Significant investments were made in the recent past to build modern facilities for Mental Health, for the Corrections Department, State Offices, and other important facilities. The budget I am presenting builds on this strong past commitment.

To fund capital investments which will assist in the development of state revenue sources, the capital budget includes \$2.7 million for point-of-sale equipment for the Liquor Commission. An additional \$2.6 million will provide a new chair lift at Cannon Mountain and will address snowmaking capacity at both Cannon and Sunapee. Further, \$12 million, to be covered by revenue bonds, has been included for the Port of Portsmouth expansion.

As a commitment to New Hampshire's environmental future, the capital budget includes \$20 million over the biennium to fund the Land Conservation Investment Program. This program has been exceedingly successful to date and must be continued to preserve the quality of life for further generations. The budget also includes \$7.2 million for the required 20% match under the federal Clean Waters Loan Fund, and \$1 million is provided for increased funding for dam repairs.

In the area of education, significant capital funding is proposed. A sum of \$1.2 million is budgeted for phase one building rehabilitation at the Manchester Vocational-Technical College. Funding in the amount of \$600,000 will be provided for the Claremont Vocational-Technical Library rehabilitation and the addition of classroom facilities.

Most importantly, as I stated during my campaign for governor, I believe that the university system has a proper claim to a major capital commitment, and this budget reflects that need. \$13 million is budgeted, which will include a \$7.5 million Cultural

Arts Center at Plymouth State College, \$3 million for additions and renovations to the library and academic buildings at Keene State College, \$1.9 million for the UNH Library and Biological Sciences Facility, and \$600,000 for asbestos removal and handicapped access.

In the important area of law enforcement, capital funding is proposed for the Concord District Court in the amount of \$3 million. In addition, an amount of \$4 million will be set aside for development of a state of the art radio system for the Department of Safety to enable the department to continue to meet its law enforcement responsibilities. Hopefully, this radio system will be adaptable for all state departments in need of better communications.

Ample funding has also been proposed to fund projects designed under prior capital budgets. Approximately \$7.1 million is proposed for the upgrade to the Brown Building at the New Hampshire Hospital in order to meet federal standards. An additional \$1.8 million has been budgeted for the renovation of Spaulding Hall at the hospital site to convert the space to usable offices.

The capital budget continues the long-standing practice of providing funds for handicapped access and asbestos removal in state facilities. It also includes approximately \$5.7 million for various maintenance projects, including roof repairs and fuel tank removals.

The total capital expenditures proposed will require approximately \$71 million of general obligation bonds and \$12 million of revenue bonds over the biennium. The operating budget also provides for an additional \$14 million of general obligation bonds for the Department of Transportation. The general obligation bonds in the capital budget will be divided, \$63 million from the general fund, approximately \$6.3 million from the highway fund, \$1 million from special funds and slightly more than \$200,000 from the Fish and Game fund.

Like the operating budget, the capital budget has its limits and some programs that are meritorious were deferred or eliminated. It was necessary to make tough decisions to reduce proposed capital expenditures, in accordance with debt affordability studies, in order to preserve fiscal solvency.

There is no question but that the budget presented here requires difficult decisions.

In times of high surplus, it is the pleasure of the Governor and the Legislature to distribute money for the general good and political benefit, but today is not such a time.

Today is a time requiring management, skilled decisions, and a concern for the taxpayers' pocketbooks.

As Governor, I have presented to you, operating and capital budgets which effectively meet the obligations and purposes of the state government, while recognizing fiscal reality. This total package continues the state's commitment to the less fortunate, to the environment, to education, to basic services, and equally important, to living within our means.

We must, as executive and legislative, work together to accomplish the goals of this budget. I recognize that the decisions I am asking of you are not easy ones, but this budget is an essential step towards preserving a framework of realistic government assistance. It is a vehicle which will help protect and improve our environment, educate our children to compete, improve our quality of life, and expand our freedoms in meaningful ways.

Thank you very much.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

(Deputy Speaker Burns in the Chair)

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

HB 214, relative to the transportation of alcohol in open containers, was removed at the request of Rep. Lown.

HB 145-FN, making name and definitional changes relative to children and youth services. Ought to Pass with Amendment.

This bill makes name and definitional changes relative to Children and Youth Services, "to include persons providing out-of-home care." The amendment provides longevity for juvenile probation officers transferred to the Division for Children and Youth. Vote 15-0. Rep. Dorothy C. Bowers for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to children and youth services.

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-7 to read as 7 and 8, respectively:

6 Longevity Benefits. Amend 1987, 402:17 to read as follows:

402:17 Local Probation Employees; Benefits. Notwithstanding any other provision of law, any full-time local probation officer or local probation employee who becomes employed by the state pursuant to sections 1-18 of this act shall, effective January 1, 1988, receive all fringe benefits and salary increases as provided for classified state employees including membership in the state retirement system, Blue Cross and Blue Shield coverage, dental insurance, life insurance coverage, and annual and sick leave benefits. Annual and sick leave benefits accumulated by said employees, as a result of service prior to January 1, 1988, shall be transferable under such guidelines as may be established by the supreme court for court employees and by the division of personnel for executive branch employees. *Longevity benefits shall accrue to those full-time probation officers or local probation employees who became employed by the state with no break in service, and who can be considered to have "continuous employment" from employment as a full-time probation officer or local probation employee to employment as a juvenile services officer.*

AMENDED ANALYSIS

This bill changes the definition of persons responsible for a child's welfare, relating to child abuse and neglect, to include persons providing out-of-home care of the child. The current definition only specifies persons who have a legal relationship to the child, such as parent, guardian or custodian.

The bill repeals the definition of “foster family group home” and amends a provision of current law which contains the term. It also increases the maximum number of children allowed to enroll in an experiential/wilderness facility.

The bill changes the names of two bureaus within the division for children and youth services.

The bill also permits accrual of longevity benefits to local probation employees who became employed by the state with no break in service and who can be considered to have “continuous employment” from employment as a full-time probation officer or local probation employee to employment as a juvenile services officer.

The bill was requested by the division for children and youth services, department of health and human services.

HB 125-FN, relative to securities registration statements and the investigatory fund of the office of securities regulation. Ought to Pass with Amendment.

This bill appropriately places the responsibility in the Office of Securities Regulation and complies with rulemaking authority as reflected in the amendment for the ensuing two-year period. This is in conformance with the RSAs established for the Office of Securities Regulation. No fiscal impact. Vote 16-0. Rep. Richard H. Kruegar for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to securities registration statements and rulemaking by
the director of the office of securities regulation.

Amend the bill by replacing all after section 1 with the following:

2 Office of Securities of Regulation; Rulemaking Deadline Extended. Amend RSA 400-A:51 to read as follows:

400-A:51 Rulemaking Authority.

I. The director shall adopt such rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order to carry out properly the functions and responsibilities assigned the office of securities regulation under the laws of the state. This rulemaking authority shall expire on July 1, [1989] **1991**, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed. Notwithstanding this paragraph, the adoption of rules for the office of investigations shall be governed by RSA 400-A:51, II.

II. In consultation with and subject to the approval of the attorney general, the director shall adopt rules, pursuant to RSA 541-A, as he deems reasonable and necessary in order for the chief investigator to carry out properly the functions and responsibilities assigned the office of investigations under the laws of the state. This rulemaking authority shall expire on July 1, [1989] **1991**, at which time this paragraph, unless replaced by a later legislative enactment, shall be deemed repealed.

III. Prior to January 1, [1989] **1991**, the director shall present proposed legislation containing a specific delegation of rulemaking authority to replace this section to the chairman of the joint legislative committee on administrative rules established under RSA 541-A and to the senate president and the speaker of the house of representatives, who may refer such proposed legislation to the appropriate standing committees. This proposed legislative delegation of rulemaking authority shall be drafted in

as narrow a manner as possible, consistent with the need to provide the director with sufficient authority to fulfill the regulatory role assigned to him under this subdivision and other laws of the state.

3 Effective Date.

I. Section 1 of this act shall take effect January 1, 1990.

II. Section 2 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires an offeror to indicate in his securities registration statement whether he has been subject to disciplinary action by a self-regulatory organization.

This bill also extends the deadline for initial rulemaking by the director of the office of securities regulation from January 1, 1989, to January 1, 1991.

This bill was requested by the office of securities regulation.

HB 205, relative to continuing care communities. Ought to Pass.

This bill legalizes the obligation for lodging, food or both so that a provider may be held responsible contractually for lodging, food or both. This legally binds the provider and protects the consumer from any misconception of services agreed upon. Vote 16-0. Rep. Richard H. Kruegar for Commerce, Small Business and Consumer Affairs.

HB 227-FN, establishing a committee to study laws regarding surplus lines insurance companies. Inexpedient to Legislate.

The sponsor of the bill agrees that a committee comprised of members of the Commerce, Small Business and Consumer Affairs Policy Committee could study the operation and regulation of surplus lines insurance companies and make findings and recommendations concerning their effectiveness. No fiscal impact. Vote 13-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 59, changing the name of the New Hampshire vocational-technical college education system. Ought to Pass.

This bill changes the name of the New Hampshire Vocational Technical College Education System to New Hampshire Technical College Education System. The Committee agrees with testimony heard that this change will remove the current confusion of identification with the secondary vocational schools, and will serve to improve the marketing of that Postsecondary Education System. Vote 15-0. Rep. Jacquelyn M. Domaingue for Education.

HB 91-FN, relative to vocational training and technical education programs. Ought to Pass with Amendment.

This bill codifies certain temporary measures relative to the financial administration of vocational training and technical education programs. It provides a non-lapsing account for excess revenues and unexpended general fund reserves for the establishment of effective and responsive programs. The amendment establishes library and laboratory fees for the credit of the relevant library or laboratory and is consistent with such fees charged in other college institutions. Vote 15-0. No fiscal impact. Rep. Nils H. Larson, Jr. for Education.

Amendment

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 4:

2 New Subparagraph; Library and Laboratory Fees. Amend RSA 188-F:4, IV by inserting after subparagraph (m) the following new subparagraph:

(n) The imposition of library and laboratory fees to be charged to students.

3 New Section; Library and Laboratory Fees. Amend RSA 188-F by inserting after section 19 the following new section:

188-F:19-a Library and Laboratory Fees. All library and laboratory fees established under RSA 188-F:4, IV (n) shall be credited to the accounts of the relevant library or laboratory. All revenues so collected shall not lapse and shall be in addition to any appropriations made to the department of postsecondary vocational-technical education for the operation of the department and its institutions.

AMENDED ANALYSIS

This bill codifies certain laws relative to the financial administration of vocational training and technical education programs by the department of postsecondary vocational-technical education. These provisions were originally enacted as temporary measures for the current biennium only.

The bill also requires that the board of governors of the department of postsecondary vocational-technical education adopt rules relative to the imposition of library and laboratory fees on students using such services and makes the fee revenue non-lapsing.

The bill was requested by the department of postsecondary vocational-technical education.

Referred to Appropriations.

HB 134-FN, relative to the deaf and hearing impaired. Ought to Pass with Amendment.

The Committee felt the current term "deaf mute," which is derogatory and out of use, be changed in accordance with this bill. It gives the Department of Education the authority to determine who is a qualified interpreter. This will ensure the continued input of the hard of hearing and give them a recognized program within state government. Vote 18-0. Rep. Linda D. Long for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the deaf and hard of hearing.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Program for the Deaf and Hard of Hearing. Amend RSA 200-C by inserting after section 17 the following new subdivision:

Program for the Deaf and Hard of Hearing

200-C:18 Program for the Deaf and Hard of Hearing. There is established a program for the deaf and hard of hearing within the division of vocational rehabilitation which shall be administered by a coordinator designated by the director, division of vocational rehabilitation.

200-C:19 Functions. The program established under this chapter shall:

I. Provide leadership and direction in the area of serving persons with hearing impairment.

II. Review, update and implement the state plan for the deaf and hard of hearing and ensure it is an integral part of the operation of the department of education.

III. Administer and monitor the telecommunications equipment program pursuant to RSA 200-C:7.

IV. Participate in the certification of sign language interpreters and maintain a list and fee schedule of interpreters certified under RSA 521-A.

V. Collect data on the needs of the hearing impaired community and investigate resources to meet those needs.

VI. Provide technical assistance to state and private agencies requesting such assistance in order to ensure accessibility for the hearing impaired.

VII. Assist in development of legislation affecting hearing impaired people in the state as approved by the state board of education.

VIII. Work with the New Hampshire registry of interpreters for the deaf, the New Hampshire Association of the Deaf, Self Help for the Hard of Hearing, and any other consumer group interested in hearing loss, as needed, to ensure quality of services for the hearing impaired.

IX. Serve as an information and referral source for the state on the subject of hearing impairment.

200-C:20 Rulemaking Authority. The director, division of vocational rehabilitation, shall adopt rules, pursuant to RSA 541-A, to implement the program for the deaf and hard of hearing.

AMENDED ANALYSIS

This bill changes two definitions in laws relative to interpreters for the deaf and hard of hearing, and establishes a program for the deaf and hard of hearing within the division of vocational rehabilitation, department of education.

The bill was requested by the division of vocational rehabilitation, department of education.

HB 37, relative to the taking of raccoons. Ought to Pass with Amendment.

This bill was requested by the Fish and Game Department to update the law and provide for the use of state of the art portable lights. It retains the illegality of using lights from a motor vehicle. There was no opposition to this bill; it was supported completely by the public. Vote 18-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 210:2 as inserted by section 1 by replacing it with the following:

210:2 Raccoons. No person shall hunt raccoons at night by the use of a rifle, revolver, or pistol larger than .22 caliber long rifle or by the use of shotgun shells carrying shot larger than number 4 [or by the use of a light other than a kerosene lantern or pressure type lantern or by the use of a flashlight with more than 7 cells]. [No person shall] *Lights may be used to* take or attempt to take raccoons, *except* by use of a light from a motor vehicle.

HB 166-FN-A, authorizing a maintenance and construction crew for the department of fish and game and making an appropriation therefor. Ought to Pass.

This bill, although not requested by the Fish and Game Department, is supported fully. There was minimal opposition to a good concept that is badly in need of implementation in conjunction with the new regional concept of the department. Funding is out of Fish and Game designated revenues. No fiscal impact. Vote 14-0. Rep. William P. Boucher for Fish and Game.

Referred to Appropriations.

HB 203, regarding copying costs of public documents. Ought to Pass.

The Committee felt that it was reasonable to charge the actual printing cost plus 10% administrative charge for any public record professionally printed, and further, that the initial set-up fees would not be included in the cost if the public body or agency would have had the public record professionally printed for its own use. Vote 13-0. Rep. W. Kent Martling for Judiciary.

HB 170-FN, relative to surveying town boundaries. Inexpedient to Legislate.

The Committee is of the opinion that towns now have the authority to have their boundaries surveyed under RSA 51:2 if they wish to do so. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

HB 192-FN, clarifying municipal budget authority committee power to acquire information from certain municipal officials. Inexpedient to Legislate.

House Bill 192 seems to address a local problem. The Committee did not feel that it should restrict the power of the budget committees in the work of preparing and reviewing budgets. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

HB 82-FN, relative to the police standards and training council. Ought to Pass with Amendment.

This bill may be considered to be a "housekeeping and clarification bill"; (a) it corrects references to statutes which have been repealed, (b) it explains the need for additional hours of training (more than 2 weeks) for New Hampshire State Hospital security personnel, due to the part-time police officer training course being expanded from 80 to 100 hours, (c) the bill allows the Police Standards and Training Council, by rule, to set the fees to be charged for the training of non-police and non-corrections personnel at the New Hampshire Police Academy, (d) it limits the civil liability of volunteers who perform duty at the Police Academy in a training officer status. The amendment clarifies the amount of prior training and experience required for appointment by the Department of Safety, as a Railroad Police Officer. No fiscal impact. Vote 12-0. Rep. Jeffrey M. Brown for Public Protection and Veterans Affairs.

Amendment

Amend RSA 188-F:32-a as inserted by section 2 of the bill by replacing it with the following:

188-F:32-a Authority to Set Fees. The council may adopt rules under RSA 541-A to set fees for the attendance of non-police and non-corrections personnel at its programs and for the use of its facilities. Such fees shall be deposited to the credit of the police standards and training council training fund.

Amend the bill by replacing section 4 with the following:

4 Railroad Police Officers. Amend RSA 384:4 to read as follows:

381:4 Qualifying for Commission. Any person who [is] *was* a railroad police officer on August 21, 1979, in order to qualify for an appointment as a railroad police officer pursuant to RSA 381:2, must have been employed on a full-time basis by a railroad police department, municipal police department or a state police department, or combination thereof, for a minimum of 3 years. Such employment shall have been in performing the duties of a police officer. Any person who [is] *was* not [employed as] a railroad police officer on August 21, 1979, or who [is] *was* so employed but [does] *did* not have the 3 years of employment [as] required by this section [must],

shall be required to be certified as a police officer in accordance with RSA [105-A] 188-F in order to qualify for appointment pursuant to RSA 381:2. *Any person employed as a railroad police officer after August 21, 1979, shall complete such training as the police standards and training council shall determine, which, together with his prior training and experience in this or any other jurisdiction, is the equivalent required for certification as a police officer in accordance with RSA 188-F in order to qualify for appointment pursuant to RSA 381:2.*

5 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill was requested by the police standards and training council.

The bill limits the civil liability of volunteers who assist the council in its training programs.

The bill corrects a statutory reference in a law dealing with police training programs for state hospital security officers and deletes the requirement that such training programs not exceed 2 weeks in duration.

This bill grants the police standards and training council the authority to adopt rules to set fees for the attendance of non-police and non-corrections personnel at its programs and for the use of its facilities. The bill also permits transfers of unappropriated amounts from the police standards and training council fund to meet unexpected costs of training police and corrections officers.

The bill also changes the qualifications for commissions as railroad police officers.

Referred to Appropriations.

HB 366-FN, prohibiting carnivals, fairs, and amusement parks from offering firearms and certain knives as game prizes. Inexpedient to Legislate.

There was no support for HB 366, other than from the sponsor, who himself had doubts as to the illegality of the sheath knives which were awarded as prizes at a nearby carnival. Nor had the sponsor seen any firearms awarded as prizes, rather, the "firearms" were incorporated into the bill in the drafting process. There are adequate safeguards built into the statutes, RSA 31 and RSA 47, as pertains to the "powers of towns and cities," respectively, by which the municipalities may regulate shows, carnivals and circuses, and all the details thereto, to include the type of prizes which may be offered, and those which are not acceptable. There is, therefore, no need for an additional statute on the subject of "firearms and knives awarded as prizes." Vote 12-0. Rep. Leo P. Pepino for Public Protection and Veterans Affairs.

HB 30-A, relative to the police standards and training council facility and making an appropriation therefor. Inexpedient to Legislate.

Meetings between the Police Standards and Training Council and Governor Gregg resulted in an agreement, whereby Governor Gregg has placed an appropriation of \$300,000 in his capital budget request for design work for the requested buildings and improvements. Money for construction will be asked for in a future capital budget. Based on these facts, the Police Standards and Training Council asked that HB 30 be reported Inexpedient to Legislate and the Public Works Committee obliged by an 18-0 vote. Rep. Gene G. Chandler for Public Works.

HB 182-FN, reclassifying certain highways in the towns of Carroll and Belmont. Ought to Pass.

The towns of Carroll and Belmont support this bill as does the Committee on Public Works. The Department of Transportation indicates that this bill will decrease state

expenditures by an undeterminable amount. Vote 15-0. Rep. Fredrik Peyron for Public Works.

HB 224-FN-A, relative to a study of the Storrs Street Extension in the city of Concord and making an appropriation therefor. Inexpedient to Legislate.

The Department of Transportation maintains state highways in this area adequately. This roadway is not a state highway, but a city responsibility, and with extreme limited funds, this project should not qualify for Department of Transportation expenditures. Vote 17-0. Rep. Channing T. Brown for Public Works.

HB 252-FN, relative to major capital projects. Inexpedient to Legislate.

The Department of Transportation saw no need for this legislation and in fact testified that it could hinder some projects that might be built under the lease purchase arrangement. Vote 17-0. Rep. Gene G. Chandler for Public Works.

HB 316, relative to notice to abutters. Ought to Pass.

If passed, this bill only changes the time period in notice to abutters involved in a town highway taking, from a 14-day minimum notice to a 30-day minimum notice. Vote 17-0. Rep. Gene G. Chandler for Public Works.

HB 29, relative to liquor laws. Ought to Pass with Amendment.

As amended, this legislation accomplishes housekeeping functions as recommended by the Liquor Laws Study Committee as follows: (1) Standardizes locations where licensees may serve beverages. (2) Sets 5% as minimum blend of New Hampshire wines required for domestic wine per RSA 178-B:1. (3) Establishes uniformity in treatment of liquor license applicants and employees who are convicted felons. Vote 15-0. Rep. Thomas A. Behrens for Regulated Revenues.

Amendment

Amend the bill by replacing section 2 with the following:

2 Performing Arts. Amend RSA 178:7-b to read as follows:

178:7-b Performing Arts Facility. The commission may issue a special license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The special license shall permit the licensee to sell liquor and beverages to patrons in any rooms designated by the commission. The commission may extend such special license to include the selling of liquor and beverages on a patio area of said facility [which is not within direct view of any public way]. The facility may serve liquor and beverages [1/2] *one* hour before curtain time, 1/2 hour after the final curtain and during intermission of the performance. The fee for the special license shall be \$225.

Amend the bill by replacing section 3 with the following:

3 Definitions. Amend RSA 178-B:1, 1 to read as follows:

178-B:1 Definitions.

I. "Domestic wine" means any wine containing [over] *at least* 6 percent alcohol by volume and not over 24 percent alcohol by volume which is manufactured or bottled in this state from grapes or other fruits grown in this state, or brought into the state in their natural state for the purpose of fermentation and blending with wine produced from New Hampshire grapes or fruits, or wine which is brought into this state by a manufacturer to be blended with wine produced from New Hampshire grapes or

fruits by a winery located in this state. The percentage blend of New Hampshire wine shall be [approved by the commission] **at least 5 percent**.

Amend the bill by replacing all after section 4 with the following:

5 Exception. Amend RSA 178:11-a to read as follows:

178:11-a Exception. Notwithstanding the provisions of RSA 178:11, the commission may in its discretion approve the employment of any person who has been convicted of a felony [in this state], provided[,] that not less than 6 months shall have passed since [said] **such** person was placed on parole or probation and that during this interim period he shall have led an exemplary life and not have been convicted of any further crime except for minor traffic violations. [Said] **Such** approval shall allow for the employment of such person in the sale and distribution of liquor and beverages, and the commission shall periodically review the status of [said] **such** person in respect to the continuance of his good behavior and may in its discretion revoke the approval for employment granted [hereunder] **under this section**.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes a minor modification in the statutory definitions of "liquor" and "domestic wine."

This bill allows a performing arts facility, with the proper license, to serve liquor and beverages one hour before curtain time and on patios open to public view.

The bill also allows the liquor commission to approve the employment of individuals who have been convicted of felonies but are now in good standing and, after consulting with the attorney general, to issue wholesale permits to individuals convicted of certain felonies.

HB 172, relative to distribution of sweepstakes revenue. Ought to Pass.

This bill tightens the current law so that Sweepstakes money cannot be diverted for purposes other than education. This bill will have no fiscal impact on state, county or local revenues or expenditures. Vote 13-2. Rep. Lynn C. Horton for Regulated Revenues.

HB 217, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. Inexpedient to Legislate.

The Committee found no compelling evidence that consumption of alcohol on ski lifts or slopes should be specifically outlawed under RSA 225-A which presently requires ski area operators to control reckless skiing whatever the cause. It was the Committee's determination that the statistics presented re alcohol-related injuries does not justify the additional section to the current law. It was also noted that a law which is substantially unenforceable would place ski area operators in jeopardy of litigation. Vote 15-0. Rep. Thomas A. Behrens for Regulated Revenues.

HB 157-FN-A, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor. Ought to Pass.

This bill establishes a director of ski operations for both mountains as well as a marketing and ski service administrator. The bill also authorizes operating costs to be a direct charge against sales receipts at Franconia, Mount Sunapee and Mount Washington state parks and allows the director to make field purchases of up to \$1,000. The Committee feels the importance of this legislation in order to keep the state-owned ski areas competitive. Fiscal Note calls for state expenditures of \$109,781 in FY 90 and

\$99,531 in FY91. Vote 16-0. Rep. Stephen G. Avery for Resources, Recreation and Development.

Referred to Appropriations.

HB 160-FN, to repeal the state recreational fund. Ought to Pass.

This bill repeals the statute establishing the State Recreational Fund, a separate fund which has not existed for at least fifteen years. The present method used in the budget process makes this fund absolute. Recommendation was presented by the Legislative Budget Assistant. Vote 16-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 354-FN-A, making an appropriation to fund improvements in Cardigan State Park. Ought to Pass.

The Committee gives its unanimous support to HB 354. While the regular budget of the Division of Parks and Recreation will cover such items as new tables, grills, brush cutting and improvement to the entrance road, additional work is necessary. No real improvements have been done at Cardigan State Park for 40 or 50 years. The Committee believes that the \$20,000 is needed to build a new shelter and toilet facilities and to tap a spring for fresh water. Fiscal Note calls for state expenditures of \$20,000 in FY90. Vote 18-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Referred to Appropriations.

(Regular Calendar)

HB 45, to increase the age limit relative to the motor vehicle child restraint requirement. Ought to pass with Amendment.

This legislation changes the current child restraint requirement from less than age five to less than age 12. Motor vehicles defined as school buses in RSA 259:96 are exempt from this bill. The legislation will authorize a fine to be cumulative starting at \$30. Vote 11-4. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 265:107-a, III as inserted by section 1 of the bill by replacing it with the following:

III. Any driver who violates the provisions of this section shall be subject to a fine of not more than \$30 for each offense. [Such fine may be waived, however, if the court is satisfied that the driver has purchased a child passenger restraint approved as provided in paragraph I, and that the driver will use it in the future.] *Each fine shall be cumulative, and shall be added to the amount of the previous fine issued.*

AMENDED ANALYSIS

This bill raises the age limit under the motor vehicle child passenger restraint requirement from less than 5 years to less than 12 years of age, and authorizes a cumulative fine of up to \$30 for each violation of the statute.

The Chair was in doubt and called for a division on the amendment.

171 members having voted in the affirmative and 80 in the negative, the amendment was adopted.

Rep. Stiles spoke against the report and yielded to questions.

Rep. Nordgren yielded to Rep. Scott Green, who spoke in favor of the report.

Rep. Nordgren spoke in favor of the report.

Rep. McCain spoke in favor of the report.

A division was requested.

208 members having voted in the affirmative and 129 in the negative, the report was adopted.

Ordered to third reading.

CACR 2, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. Inexpedient to Legislate.

No specific examples of benefits resulting from a line item veto power were received by this Committee. In fact, most of the information received pointed to the considerable controversy surrounding this power and the claim that it is used as a tool to change the meaning of the resolution rather than as a tool of fiscal restraint. The New Hampshire Legislature has shown itself to be responsible in its budget preparation and in its budget negotiations with the Governor. Vote 7-5. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Rep. David Young moved that the words Recommit to the Committee on Constitutional and Statutory Revision be substituted for the Committee Report, Inexpedient to Legislate.

Reps. David Wright, Pepino, Guay and David Young spoke in favor of the motion.

Reps. McGovern, Flanagan, Holden and Palumbo spoke against the motion.

A roll call was requested. Sufficiently seconded.

Question being on the substitute motion of recommit.

YEAS 098

NAYS 249

YEAS 098

BELKNAP

Golden, Paul A.
Rice, Thomas E. P., Jr.
Ziegra, Alice S.

Holbrook, Robert G.
Rosen, Ralph J.

Locke, Matthew J.
Vogler, Charles C.

CARROLL

Daly, Robert J., Jr.

Dickinson, Howard C., Jr.

CHESHIRE

Crutchley, Donald O.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Delano, Robert F.
Metzger, Katherine H.
Perry, David M.

Hill, Douglas E.
Morse, JoAnn T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Theriault, Romeo J.

Dumont, Robert E.

Guay, Lawrence J.

GRAFTON

Bennett, Shirley M.
Eno, Larry E.
Stewart, Roger

Brown, Channing T.
Larson, Nils H., Jr.
Townsend, Howard C.

Dow, David O.
Rose, William B.
Ward, Kathleen W.

HILLSBOROUGH

Barry, Janet G.
Boucher, Lionel R.
Domaingue, Jacquelyn M.
Dykstra, Leona
Foote, Herbert N., Sr.

Barry, Vivian
Bowers, Dorothy C.
Donovan, Francis X.
Elliott, Larry G.
Grip, Robert H.

Beaupre, Roland O.
Cox, Gladys M.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Hunter, Bruce F.

Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Norman B.
Ouellette, Robert O.
Perham, Lester R.
Searles, Stanley N., Sr.
Wright, George W.

Anderson, Eleanor M.
Boucher, Laurent J.
Holmes, Mary C.

Brown, Jeffrey M.
Fesh, Robert M.
Haynes, Richard L.
Mace, Ada L.
McCain, William F.
Ritzo, Eugene
Welch, David A.

Appleby, James E.

Ballou, Richard A.
Hardy, Earle D.
Randall, Kenneth A.

Allard, Nanci A.
MacDonald, Kenneth J.
Saunders, Howard N.

Avery, Stephen G.
Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Spear, Susan S.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Adams, Carl S.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.
Teschner, Douglass P.

Jean, Romeo W.
Kress, Gloria W.
Lozeau, Donnalee M.
Packard, Bonnie B.
Provost, Gilles R.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Gilbreth, Robert M.
Johnson, C. William

ROCKINGHAM

Brown, Lewis W.
Ford, Bert H.
Kane, Cecelia D.
Magoon, Harold F.
McCarthy, John J., Jr.
Schmidtchen, Rowland
Wright, David B.

STRAFFORD

Kincaid, William K.

NAYS 249

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Turner, Robert H.

CARROLL

Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Blacketor, Paul G.
Doucette, Richard F.
Grodin, Richard A.
Matson, William R.

COOS

Burns, Harold W.
Lemire, George
Merrill, Gerald P.
Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.
Wadsworth, Karen O.

Keefe, Edmund M.
Lachut, Ervin R.
Mason, Howard F.
Pepino, Leo P.
Riley, Frances L.
Wheeler, David K.

Barberia, Richard A.
Hayes, Robert C.
Shaw, Randall F.

Dube, LeRoy S.
Forsythe, Douglas G.
King, Roger C.
Malcolm, Kenneth W.
Raynowska, Bernard J.
Sherburne, John L.

Young, John B.

Campbell, Richard H., Jr.
Maviglio, Steven R.
White, James J.

Foster, Robert W.
Powers, Gerard E., Jr.

Cole, Kenneth A.
Foster, Katherine D.
Hunt, John B.
Pratt, Irene A.

Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.
Scanlan, David M.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Baldizar, Barbara J.
 Brady, Carolyn L.
 Daigle, Robert A.
 Dodge, Emma M.
 Dwyer, Patricia R.
 Ford, Nancy M.
 Genest, Fernand A.
 Guilbert, Lionel
 Harlan, Susan N.
 Hultgren, David D.
 Kelley, Robert N.
 Kurk, Neal M.
 Lown, Elizabeth D.
 McNerney, Daniel P.
 Morrisette, Roland A.
 Pappas, Toni
 Record, Alice B.
 Sallada, Roland A.
 Soucy, Lillian E.
 Tarpley, Nancy L.
 Tyree, Paul M.

Alukonis, David J.
 Bicknell, Robert C.
 Burkush, Peter A.
 Desrochers, Gerard T.
 Drabinowicz, A. Theresa
 Dyer, Merton S.
 Frank, Nancy G.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Healy, Daniel J.
 Jenkins, Mary
 King, John A.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 Messier, Irene M.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Toomey, Daniel
 Upton, Barbara A.

Amidon, Eleanor H.
 Bourque, Ann J.
 Cowenhoven, Garret P.
 Desrosiers, William J.
 Dube, Ellen C.
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Green, Scott E.
 Hall, Betty B.
 Holden, Carol H.
 Johnson, Lionel W.
 Klose, John F.
 Long, Linda D.
 McDowell, James E.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Prestipino, Bartolo V.
 Robinson, Ellen-Ann
 Smith, Leonard A.
 Stiles, Walter A.
 Turgeon, Roland M.
 Young, Willard N.

MERRIMACK

Bardsley, Elizabeth S.
 Carter, Susan D.
 Fair, Patricia A.
 Gross, Caroline L.
 Hill, Michael
 Lewis, Mary Ann
 Pfaff, Terence R.
 Soldati, Jennifer
 Tolpin, Richard W.
 West, George M.

Beaton, Nancy C.
 Daneault, Gabriel
 Fillion, Paul R.
 Hager, Elizabeth
 Jacobson, Alf E.
 Lockwood, Robert A.
 Phelps, James D.
 Stio, Peter M.
 Trombly, Rick A.

Braiterman, Thea G.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Kidder, William F.
 Millard, Elizabeth S.
 Smith, Gerald R.
 Teague, Bert
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Sanderson, Patricia O.

Bell, Juanita L.
 Campbell, Eunice M.
 Conroy, Janet M.
 Drake, Herbert R.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Senter, Marilyn P.

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 McKinney, Betsy
 Parsons, Robert F.
 Rosencrantz, James R.
 Seward, Russell G.

Simon, Peter M.
Splaine, John E., Sr.
Vartanian, Elsie
Weddle, Michael R.

Skinner, Patricia M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Sochalski, Matthew M.
Tufts, J. Arthur
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Burton, Wayne M.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Martling, W. Kent
Musler, George T.
Pelley, Janet R.
Stewart, Glenn W.
Torr, Ann M.
Vincent, Francis C.

Bickford, Drucilla
Callaghan, Robert J.
Flynn, Edward J.
Gilmore, Gary R.
Lachance, Douglas A.
McCann, William H., Jr.
O'Brien, John
Scharff, Thomas E.
Sullivan, Henry P.
Torr, Ralph W.
Wall, Janet G.

Brown, Julie M.
Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra B.
Marston, Robert E.
Merrill, Amanda A.
Parks, Joe B.
Spencer, Leo J.
Swope, Warren L.
Tsiros, William
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Domini, Irene C.
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

Brodeur, Robert J.
Flint, Gordon B.
Lucier, Edward A., Jr.
Peyron, Fredrik
Stamatakis, Carol M.

Burling, Peter Hoe
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the motion lost.
Resolution adopted.

HB 48, making English the official language of the state. Inexpedient to Legislate.

The Education Committee strongly felt that New Hampshire law currently states that for instruction of children in both public and private schools "that the English language shall be used exclusively" (RSA 189:19). The current law is explicit in its intent that the English language prevail. Vote 11-4. Rep. Linda D. Long for Education.

Rep. Raynowska moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate.

Rep. Long spoke against the motion and yielded to questions.

Rep. Domaingue spoke against the motion and yielded to questions.

Rep. Mason spoke to the motion and yielded to questions.

Rep. Skinner spoke against the motion.

A Division on the substitute motion was requested.

60 members having voted in the affirmative and 266 in the negative, the motion lost.

Report adopted.

HB 38, increasing the legal length of lobster. Ought to Pass with Amendment.

This bill was requested by the Department of Fish and Game to increase the lobster length for biological research reasons and to supplant the dwindling supply. The Fish and Game Commission, working with the lobster fishermen, agreed to this bill as amended. The Committee lauds the effort and agrees with the mandates of the bill. No opposition to the amended bill, but there was considerable opposition to the original. Vote 18-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the legal length of lobster; establishing a lobster management program and creating an advisory committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Legal Length. Amend RSA 211:27 to read as follows:

211:27 Legal Length. All lobster meat [sold as such] shall be delivered in containers marked as prescribed by the rules adopted by the executive director. No person may transport, buy, sell, give away, or expose for sale, or possess for any purpose, any lobster less than [3-3/16 inches in] the legal length alive or dead, cooked or uncooked, measuring from the rear of the eye socket along a line parallel to the center line of the body shell to the rear end of the body shell. *The legal length shall increase as of the following dates: as of the effective date of this act, the legal length shall be 3-7/32 inches; one year from the effective date of this act, the legal length shall be 3-1/4 inches.* Whoever ships, transports, carries, buys, gives away, sells or exposes for sale, or possesses for any purpose, lobster meat after the meat has been taken from the shell, without the tail meat being whole and intact, and of a length of less than 4-1/4 inches when laid out straight and measured from end to end, not including the small part that is on the body end of the tail meat, shall be [liable] *subject* to the penalty imposed for violation of this section.

2 Lobster Management Program. The executive director of the fish and game department, after consultation with the commission, shall adopt rules, pursuant to RSA 541-A, to establish a lobster management program. The advisory committee established by section 3 of this act shall provide guidance relative to the lobster management program.

3 Advisory Committee. There is hereby established an advisory committee to assist the executive director of the fish and game department to establish a lobster management program. The committee shall consist of the following: one member of the house fish and game committee, appointed by the chairman of the fish and game committee; one member of the senate committee of development, recreation and environment, appointed by the chairman of that committee; one representative of the New England Fisheries Management Council, who is a member of the general court, appointed by the chairman of the fish and game committee; one biologist from the fish and game department, appointed by the executive director of the fish and game department; a commissioner of the fish and game commission, appointed by the chairman of the commission; and 2 members of the New Hampshire Commercial Fisherman's Association, appointed by the director of the association. The advisory committee shall work with the executive director of the fish and game department in adopting rules for the lobster management program. If legislation is required, the advisory committee shall make their findings and recommendations to the speaker of the house of representatives and the president of the senate on or before September 1, 1990.

4 Effective Date. This act shall take effect 30 days after its passage.

AMENDED ANALYSIS

This bill increases the legal length of lobster to be taken to 3-7/32 inches on the effective date of this act, and to 3-1/4 inches one year later.

The bill requires the executive director of the fish and game department to adopt rules under RSA 541-A to establish a lobster management program.

The bill creates a 6 member advisory committee to work with the executive director in adopting the rules for the lobster management program and if legislation is required, the advisory committee is to make its findings and recommendations by September 1, 1990, for the next session of the general court.

Amendment adopted.

Ordered to third reading.

HB 215-FN-A, relative to fish and game search and rescue. Ought to Pass.

It's time that persons other than sportsmen pay for non-sportsmen rescues in New Hampshire. This past year clearly illustrates where the cost emanates from and also clearly shows the need for general fund support. No opposition. Vote 13-0. Fiscal Note calls for state expenditures of \$300,000 from the General Fund for the biennium ending June 30, 1991. Rep. Laura C. Pantelakos for Fish and Game.

Report adopted.

Referred to Appropriations.

HB 204-FN, relative to the penalty for delivering certain articles to prisoners confined in county correctional facilities. Inexpedient to Legislate.

The majority of the Committee felt that making any article delivered to a prisoner in a county correctional facility, without the knowledge of the county Department of Corrections, a class B felony was too broad particularly when it could include such articles as a letter, candy bar or package of cigarettes. Vote 7-5. Rep. W. Kent Martling for Judiciary.

Resolution adopted.

HB 214, relative to the transportation of alcohol in open containers. Inexpedient to Legislate.

The Committee felt that there was certain merit in the bill, but as written, would be difficult, if not impossible, to enforce. The "designated driver" program would be adversely impacted; the driver carrying empty containers to recycle or landfill area could be suspect. Police personnel could not define "inaccessible area" or area "least accessible to the driver" to the satisfaction of the Committee. The vote was 14-1 as Inexpedient to Legislate due to the aforementioned highlighted reasons and the feeling that the municipalities in the state who have local ordinances can cover the intent of HB 214. Other localities have local option. Rep. George Lemire for Regulated Revenues.

Rep. Lown moved that the words Ought to Pass be substituted for the Committee report, Inexpedient to Legislate, spoke to the motion and yielded to questions.

Rep. Lemire spoke against the motion.

Rep. Nancy Ford spoke in favor of the motion and yielded to questions.

Rep. Kenneth MacDonald spoke against the motion and yielded to questions.

Rep. Ward moved that the words Recommit to the Committee on Regulated Revenues be substituted for the Committee report, Inexpedient to Legislate.

Rep. Phelps spoke against the motion.

Division was requested.

131 members having voted in the affirmative and 208 in the negative, the motion lost.

Question now being the substitute motion.

Rep. Moore spoke in favor of the motion.

Rep. Simon spoke against the motion and yielded to questions.

Rep. Spencer spoke in favor of the motion.

Rep. Phelps spoke against the motion.

A Roll Call was requested. Sufficiently seconded.

YEAS 118

NAYS 220

YEAS 118

BELKNAP

Ballou, Richard A.

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Dodge, Arthur G., Jr.

CHESHIRE

Cole, Kenneth A.

Cole, Stacey W.

Crutchley, Donald O.

Laurent, John J.

Matson, William R.

Metzger, Katherine H.

Pearson, Gertrude B.

Pratt, Irene A.

Sawyer, Alfred P.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III

GRAFTON

Adams, Carl S.

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Densmore, Edward D.

Dow, David O.

Guest, Robert H.

Larson, Nils H., Jr.

Nordgren, Sharon L.

Teschner, Douglass P.

Townsend, Howard C.

Wadsworth, Karen O.

Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.

Baldizar, Barbara J.

Bourque, Ann J.

Cox, Gladys M.

Donovan, Francis X.

Drolet, Paul L., Jr.

Dube, Ellen C.

Dwyer, Patricia R.

Foote, Herbert N., Sr.

Ford, Nancy M.

Frank, Nancy G.

Green, Scott E.

Hall, Betty B.

Harlan, Susan N.

Hultgren, David D.

Keefe, Edmund M.

Knight, Alice Tirrell

Kress, Gloria W.

Lawrence, Norman B.

Long, Linda D.

Lown, Elizabeth D.

Lozeau, Donnalee M.

McCann, Bonnie Lou

McDowell, James E.

Messier, Irene M.

Moore, Elizabeth A.

Packard, Bonnie B.

Perham, Lester R.

Pignatelli, Debora B.

Prestipino, Bartolo V.

Provost, Gilles R.

Record, Alice B.

Rheault, Lillian I.

Robinson, Ellen-Ann

Soucy, Lillian E.

Stiles, Walter A.

Toomey, Daniel

Tyree, Paul M.

Wheeler, David K.

MERRIMACK

Apple, Lowell D.

Barberia, Richard A.

Bardsley, Elizabeth S.

Beaton, Nancy C.

Braiterman, Thea G.

Gross, Caroline L.

Hager, Elizabeth

Hill, Michael

Jacobson, Alf E.

Johnson, C. William

Shaw, Randall F.

Soldati, Jennifer

Trombly, Rick A.

Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.

Benton, Richardson D.

Blanchard, MaryAnn N.

Caswell, Albert, Jr.

Conroy, Janet M.

Gage, Beverly A.

Gage, Thomas U.

Hollingworth, Beverly A.

King, Roger C.

MacKinnon, Nancy W.
McGovern, Cynthia A.
Warburton, Calvin

Malcolm, Kenneth W.
Popov, Elizabeth M.

McCain, William F.
Sanderson, Patricia O.

STRAFFORD

Bickford, Drucilla
Foss, Patricia H.
Kincaid, William K.
Musler, George T.
Pelley, Janet R.
Torr, Ralph W.

Burton, Wayne M.
Gilmore, Gary R.
Martling, W. Kent
O'Brien, John
Scharff, Thomas E.
Wall, Janet G.

Callaghan, Robert J.
Keans, Sandra B.
Merrill, Amanda A.
Parks, Joe B.
Spencer, Leo J.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe

Flint, Gordon B.

MacAskill, Kenneth M.

NAYS 220

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rosen, Ralph J.
White, James J.

Hardy, Earle D.
Locke, Matthew J.
Turner, Robert H.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Doucette, Richard F.
Grodin, Richard A.
LaMar, David M.
Young, David A.

Blacketor, Paul G.
Foster, Katherine D.
Hill, Douglas E.
Morse, JoAnn T.

Delano, Robert F.
Gordon, Irvin H.
Hunt, John B.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Merrill, Gerald P.
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Bennett, Shirley M.
Driscoll, William J.
Rose, William B.
Weymouth, Philip H.

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.

Christy, C. Dana
LaMott, Paul I.
Stewart, Roger

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Boucher, Lionel R.
Burkush, Peter A.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dykstra, Leona
Fields, Dennis H.
Goulet, Maurice E.

Amidon, Eleanor H.
Beaupre, Roland O.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Elliott, Larry G.
Gagnon, Gabrielle V.
Grip, Robert H.

Barry, Janet G.
Bicknell, Robert C.
Brady, Carolyn L.
Daigle, Robert A.
Dodge, Emma M.
Dyer, Merton S.
Emerton, Lawrence A., Sr.
Genest, Fernand A.
Guilbert, Lionel

Gureckis, Adam C., Sr.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Kurk, Neal M.
 Mason, Howard F.
 Nardi, Theodora P.
 Pepino, Leo P.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Vanderlosk, Stanley R.

Healy, Daniel J.
 Jean, Romeo W.
 King, John A.
 Lachut, Ervin R.
 McNerney, Daniel P.
 O'Rourke, JoAnne A.
 Riley, Frances L.
 Searles, Stanley N., Sr.
 Turgeon, Roland M.
 Young, Willard N.

Holden, Carol H.
 Jenkins, Mary
 Klose, John F.
 Lefebvre, Roland J.
 Morrisette, Roland A.
 Ouellette, Robert O.
 Sallada, Roland A.
 Smith, Leonard A.
 Upton, Barbara A.

MERRIMACK

Anderson, Eleanor M.
 Daneault, Gabriel
 Fillion, Paul R.
 Hall, Douglas E.
 Kidder, William F.
 Pfaff, Terence R.
 Stio, Peter M.
 West, George M.

Boucher, Laurent J.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Lewis, Mary Ann
 Phelps, James D.
 Teague, Bert

Carter, Susan D.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Holmes, Mary C.
 Lockwood, Robert A.
 Smith, Gerald R.
 Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Cooke, Annette M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Weddle, Michael R.
 Wright, David B.

Boucher, William P.
 Campbell, Eunice M.
 Cote, Patricia L.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McKinney, Betsy
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie
 Welch, David A.

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Drake, Herbert R.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Johnson, Robert A.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna P.
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.
 Frechette, Roland A.
 Marston, Robert E.
 Swope, Warren L.
 Vincent, Francis C.

Bernard, Mary E.
 Flynn, Anita A.
 Kinney, Paula J.
 Stewart, Glenn W.
 Torr, Ann M.
 Young, John B.

Brown, Julie M.
 Flynn, Edward J.
 Lachance, Douglas A.
 Sullivan, Henry P.
 Tsiros, William

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 Middleton, John A.
 Schotanus, Merle W.

Brodeur, Robert J.
 Krueger, Richard H.
 Peyron, Fredrik
 Stamatakis, Carol M.

Domini, Irene C.
 Lucier, Edward A., Jr.
 Rodeschin, Beverly T.

and the motion lost.

The Question now being on the Committee report.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on February 16 at 1:00 p.m.

Adopted.

Reps. Chambers and Palumbo offered the following on behalf of the House of Representatives:

HOUSE RESOLUTION NO. 16

honoring the Business and Industry Association of New Hampshire

WHEREAS, the Business and Industry Association of New Hampshire is one of the State's most energetic and productive organizations, and

WHEREAS, on February 13, 1989, the Business and Industry Association of New Hampshire did host in Manchester the visit of President George Bush, and

WHEREAS, in order for the Presidential visit to become possible, the Business and Industry Association of New Hampshire first had to assemble a large group of volunteers and then effectively plan and orchestrate an outstanding program of events, and

WHEREAS, the Business and Industry Association of New Hampshire did generously and warmly invite to the festive Presidential visitation all of the members of the General Court, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the Business and Industry Association of New Hampshire be accorded the highest recognition for its outstanding achievement, and be it further

RESOLVED, that the leadership and members of the Business and Industry Association of New Hampshire be extended hearty thanks for the invitation, and that a suitable copy of this Resolution be prepared for presentation to the BIA of New Hampshire.

Adopted unanimously.

LATE SESSION**Third reading and final passage**

HB 459, authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill.

HCR 6, a resolution inviting Chief Justice Brock to address a joint convention on the state of the judiciary.

HB 145-FN, relative to children and youth services.

HB 125-FN, relative to securities registration statements and rulemaking by the director of the office of securities regulation.

HB 205, relative to continuing care communities.

HB 59, changing the name of the New Hampshire vocational-technical college education system.

HB 134-FN, relative to the deaf and hard of hearing.

HB 37, relative to the taking of raccoons.

HB 203, regarding copying costs of public documents.

HB 182-FN, reclassifying certain highways in the towns of Carroll and Belmont.

HB 316, relative to notice to abutters.

HB 29, relative to liquor laws.

HB 172, relative to distribution of sweepstakes revenue.

HB 160-FN, to repeal the state recreational fund.

HB 45, to increase the age limit relative to the motor vehicle child restraint requirement.

HB 38, increasing the legal length of lobster; establishing a lobster management program and creating an advisory committee.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 4:15 p.m.

RECESS

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Thursday, February 16, 1989

The House assembled at 1:10 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain.

God of wind and rain, of hard freeze, and midwinter thaw, we recognize how much of life is beyond our control. In many ways we are subject to powers and principalities which we cannot direct. We may even be tempted to toss up our hands in despair, in the face of things which are so vast.

But in this place, we are asked to hold visions and make decisions which have been entrusted to us. We do not pretend that any of us in a generation can solve all the ills of our state and our world. Yet each of us can wage the battles for justice and for mercy, beginning today. Grant us such conviction, we pray. Amen.

Rep. Welch led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Searles, Vartanian, Teague, O'Brien, Wihby, Jones, Janet Barry, Manus, MacKinnon, Cote, Palazzo, Daniel Eaton, Clyde Eaton, Ann Derosier, Nichols and Peters, the day, illness.

Reps. Allard, Lionel Boucher, Jane Harland, Pantelakos, Parr and Carl Anderson, the day, important business.

Reps. Bean, Kane, Carter, and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Glen Boquist, guest of Rep. Jacobson; Helen West and Marjorie Bryant, guests of Rep. West; Chip Venie and Russ Stone, guests of Rep. Sochalski; the government class of Conval High School, their teacher, Allison Randall and Kate Grip, guests of Rep. Grip.

VACATE

Rep. Kidder moved that the House vacate the reference of HB 612-FN, relative to nursing home care costs paid by counties to the Committee on Appropriations.

Adopted.

The Speaker referred HB 612-FN, relative to nursing home care costs paid by counties, to the Committee on Health, Human Services and Elderly Affairs.

SENATE MESSAGES**REQUESTS CONCURRENCE**

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor.

SB 37-FN-A, making supplemental appropriations for area vocational school tuition and transportation, school building aid, catastrophic costs, audit fund, and foster care.

SB 61-FN-A, relative to preserving the old state house and making an appropriation therefor.

SB 64-FN, relative to asbestos management penalties.

SB 66-FN, relative to regulation of transporters of solid waste.

SB 77-FN, relative to holiday pay for certain part-time employees.

SB 86, prohibiting power boats and ski craft on Wilson Lake.

SB 100-FN, relative to pari-mutuel racing.

SB 104, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border.

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster.

SB 109-FN-A, establishing a pilot reading recovery program and making an appropriation therefor.

SB 110, relative to joint and several liability and to pollution liability.

SB 111, relative to the operation of ski craft.

SB 112, establishing a study committee to examine corporal punishment in and the regulation of child care agencies and schools.

SB 121, establishing the Pittsfield regional solid waste cooperative.

SB 134-FN-A, relative to the purchase and maintenance of airports and making an appropriation therefor.

SB 135-FN, relative to student literacy.

SB 138-FN, establishing a committee to study supplemental education assistance to school districts with assisted housing units.

SB 139-FN, relative to notifying property owners of zoning changes.

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula.

SB 163-FN, relative to production capacity of certain small power production facilities.

SB 168-FN, establishing a division of fire service.

SB 175-FN-A, making an appropriation to the arts development program.

SB 179-FN-A, establishing a committee to study the feasibility of a privately funded zoological park, aquarium, and botanical garden.

SB 182-FN-A, making appropriations to expand the nursing programs at the New Hampshire vocational-technical college-Claremont.

SB 183-FN, relative to the time for holding school elections in cities.

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state.

SB 203-FN, relative to employing minors enrolled in school.

COMMITTEE REPORTS

(Regular Calendar)

SB 4-A, making supplemental appropriations for fiscal year 1989. Ought to Pass with Amendment.

This bill contains all the necessary appropriations to fully fund state obligations for the current fiscal year (FY '89). It includes school building aid, catastrophic aid, settlement costs, foster family payments, provider payments, and a number of other smaller commitments. The money to meet the obligations is detailed in the pages of the bill by adjusting numerous accounts, including 3% reductions for the judicial and legislative branches of government and for the university system.

The Appropriations Committee examined this bill closely, made several adjustments to the Senate amendments, and can unanimously recommend that this bill be adopted. Vote 22-0. Rep. Elizabeth Hager for Appropriations.

Amend section 1 of the bill by deleting PAU 01, 03, 01, 01, 01.

Amend section 1 of the bill by deleting PAU 01, 07, 02, 01.

Amend section 1 of the bill by inserting after PAU 01, 07, 02, 03, the following:

01 GENERAL GOVERNMENT

07 REVENUE ADMINISTRATION

03 REIMBURSEABLE TAXES

01 LAND TAXES LOST

STRIKE OUT

90 REIMBURSEMENTS	191,822
-------------------	---------

INSERT IN PLACE THEREOF

90 REIMBURSEMENTS	363,705
-------------------	---------

TOTAL	363,705
-------	---------

ESTIMATED SOURCE OF FUNDS FOR LAND TAXES LOST

STRIKE OUT

GENERAL FUND	191,822
--------------	---------

INSERT IN PLACE THEROF

GENERAL FUND	363,705
--------------	---------

TOTAL	363,705
-------	---------

Amend section 1 of the bill by insering after PAU 01, 10, 02 the following:

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

01 JUDICIAL BRANCH

02 SUPERIOR COURT

STRIKE OUT

92 GUARDIAN AD LITEM	50,000
----------------------	--------

INSERT IN PLACE THEREOF

92 GUARDIAN AD LITEM	50,000
----------------------	--------

In those instances where the courts have the authority to order services to be rendered and the responsibility for payments is unclear, the court may assume said responsibility.

TOTAL	10,765,934
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ESTIMATED SOURCE OF FUNDS FOR SUPERIOR COURT

01 TRANSFERS FROM OTHER AGENCIES	104,882
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02 HIGHWAY FUNDS	1,000,000
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GENERAL FUND	9,661,052
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TOTAL	10,765,934
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Amend section 1 of the bill by deleting PAU 02, 01, 03.

Amend section 1 of the bill by deleting PAU 02, 01, 08.

Amend section 1 of the bill by inserting after PAU 02, 01, 02 the following:

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION

06 REGULATORY BOARD

02 JOINT BOARD

STRIKE OUT	
20 CURRENT EXPENSES	36,440
INSERT IN PLACE THEREOF	
20 CURRENT EXPENSES	69,440
TOTAL	159,170

ESTIMATED SOURCE OF FUNDS FOR JOINT BOARD

STRIKE OUT	
GENERAL FUND	126,170
INSERT IN PLACE THEREOF	
GENERAL FUND	159,170
TOTAL	159,170

Amend section 1 of the bill by deleting PAU 03, 03, 01, 02.

Amend PAU 03, 03, 02, 03 as inserted by section 1 of the bill by replacing it with the following:

03 RESOURCE PROTECTION AND DEVELOPMENT
 03 RESOURCES AND ECONOMIC DEVELOPMENT
 02 ECONOMIC DEVELOPMENT
 03 VACATION TRAVEL PROMOTION

STRIKE OUT	
93 JOINT PROMOTIONAL ADVERTISING	725,000
INSERT IN PLACE THEREOF	
93 JOINT PROMOTIONAL ADVERTISING	700,000
TOTAL	1,890,207
ESTIMATED SOURCE OF FUNDS FOR VACATION TRAVEL PROMOTION	

STRIKE OUT	
GENERAL FUNDS	1,915,207
INSERT IN PLACE THEREOF	
GENERAL FUNDS	1,890,207
TOTAL	1,890,207

Amend section 1 of the bill by deleting PAU 05, 02, 03, 02, 07.

Amend PAU 05, 02, 04, 05, 02 as inserted by section 1 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES
 02 DEPARTMENT OF HEALTH AND HUMAN SERVICES
 04 DIVISION OF HUMAN SERVICES
 05 GRANTS
 02 OAA APTD GRANTS

STRIKE OUT	
90 OAA GRANTS	989,218
INSERT IN PLACE THEREOF	
90 OAA GRANTS	1,105,590
STRIKE OUT	
91 APTD GRANTS	6,105,600
INSERT IN PLACE THEREOF	
91 APTD GRANTS	5,380,150
TOTAL	3,547,409

ESTIMATED SOURCE OF FUNDS FOR OAA APTD GRANTS
STRIKE OUT

05 PRIVATE AND LOCAL FUNDS	3,547,409
INSERT IN PLACE THEREOF	
05 PRIVATE AND LOCAL FUNDS	3,242,870
STRIKE OUT	
09 AGENCY INCOME	20,000
INSERT IN PLACE THEREOF	
09 AGENCY INCOME	31,970
STRIKE OUT	
GENERAL FUNDS	3,527,409
INSERT IN PLACE THEREOF	
GENERAL FUNDS	3,210,900
TOTAL	6,485,740

Amend PAU 05, 02, 04, 05, 07 as inserted by section I of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES
04 DIVISION OF HUMAN SERVICES
05 GRANTS
02 OAA APTD GRANTS

STRIKE OUT	
90 OAA GRANTS	989,218
INSERT IN PLACE THEREOF	
90 OAA GRANTS	1,105,590
STRIKE OUT	
91 APTD GRANTS	6,105,600
INSERT IN PLACE THEREOF	
91 APTD GRANTS	5,380,150
TOTAL	6,485,740

ESTIMATED SOURCE OF FUNDS FOR OAA APTD GRANTS
STRIKE OUT

05 PRIVATE AND LOCAL FUNDS	3,547,409
INSERT IN PLACE THEREOF	
05 PRIVATE AND LOCAL FUNDS	3,242,870
STRIKE OUT	
09 AGENCY INCOME	20,000
INSERT IN PLACE THEREOF	
09 AGENCY INCOME	31,970
STRIKE OUT	
GENERAL FUNDS	3,527,409
INSERT IN PLACE THEREOF	
GENERAL FUNDS	3,210,900
TOTAL	6,485,740

Amend PAU 05, 02, 04, 07 as inserted by section 1 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
04 DIVISION OF HUMAN SERVICES	
05 GRANTS	
07 OTHER NURSING HOMES	
STRIKE OUT	
90 OTHER NURSING HOMES	1,125,631
INSERT IN PLACE THEREOF	
90 OTHER NURSING HOMES	1,121,916
TOTAL	1,123,069
ESTIMATED SOURCE OF FUNDS FOR OTHER NURSING HOMES	
STRIKE OUT	
FEDERAL FUNDS	563,969
INSERT IN PLACE THEREOF	
FEDERAL FUNDS	562,112
STRIKE OUT	
GENERAL FUNDS	562,815
INSERT IN PLACE THEREOF	
GENERAL FUNDS	560,957
TOTAL	1,123,069

Amend PAU 06, 03, 03, 01, 09 as inserted section 1 Of the bill by replacing it with the following:

06 EDUCATION	
03 DEPARTMENT OF EDUCATION	
03 DIVISION OF INSTRUCTION	
01 GENERAL INSTRUCTION	
09 GIFTED AND TALENTED	
STRIKE OUT	
90 PROJECTS	200,000
INSERT IN PLACE THEREOF	
90 PROJECTS	175,000
TOTAL	239,551
ESTIMATED SOURCE OF FUNDS FOR GIFTED AND TALENTED	
STRIKE OUT	
GENERAL FUNDS	264,551
INSERT IN PLACE THEREOF	
GENERAL FUNDS	239,551
TOTAL	239,551

Amend PAU 06, 03, 03, 03, 01 as inserted by section 1 of the bill by replacing it with the following:

06 EDUCATION
 03 DEPARTMENT OF EDUCATION
 03 DIVISION OF INSTRUCTION
 03 SPECIAL EDUCATION

01 SPECIAL EDUCATION - STATE	
STRIKE OUT	
22 RENT AND LEASE OTHER THAN STATE	9,790
INSERT IN PLACE THEREOF	
22 RENT AND LEASE OTHER THAN STATE	294
STRIKE OUT	
92 CATASTROPHIC COST	4,835,444
INSERT IN PLACE THEREOF	
92 CATASTROPHIC COST	7,223,567
TOTAL	
ESTIMATED SOURCE OF FUNDS FOR SPECIAL EDUCATION - STATE	
STRIKE OUT	
GENERAL FUNDS	5,585,155
INSERT IN PLACE THEREOF	
GENERAL FUNDS	7,963,782
TOTAL	7,963,782

Amend PAU 06, 03, 04, 01, 08 as inserted by section 1 of the bill by replacing it with the following:

06 EDUCATION	
03 DEPARTMENT OF EDUCATION	
04 DIVISION OF STANDARDS AND CERTIFICATION	
01 STANDARDS AND CERTIFICATION	
08 SCHOOL APPROVAL SECTION	
STRIKE OUT	
70 IN-STATE TRAVEL	2,000
INSERT IN PLACE THEREOF	
70 IN-STATE TRAVEL	1,380
STRIKE OUT	
90 CONFERENCES AND WORKSHOPS	1,000
INSERT IN PLACE THEREOF	
90 CONFERENCES AND WORKSHOPS	560
TOTAL	124,900
ESTIMATED SOURCE OF FUNDS FOR SCHOOL APPROVAL SECTION	
STRIKE OUT	
GENERAL FUNDS	125,960
INSERT IN PLACE THEREOF	
GENERAL FUNDS	124,900
TOTAL	124,900

Amend PAU 02, 15, 03, 01 as inserted by section 2 of the bill by replacing it with the following:

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION
 15 DEPARTMENT OF SAFETY
 03 DIVISION OF SAFETY SERVICES
 01 DIV SAFETY WATERCRAFT SAFETY

90 SAFETY INSPECTOR BOAT RENTAL	9,774
92 DOCK STUDY	2,822
93 MOORING ENFORCEMENT	12,295
94 GLENDALE REPAIR	49,422
TOTAL	74,313
ESTIMATED SOURCE OF FUNDS FOR DIV SAFETY WATERCRAFT SAFETY	
GENERAL FUND	74,313
TOTAL	74,313

Amend PAU 05, 02, 02, 01, 01 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
02 DIVISION OF PUBLIC HEALTH SERVICES	
01 ADMINISTRATION AND SUPPORT	
01 OFFICE OF DIRECTOR	
80 OUT-OF-STATE TRAVEL	501
493 OLD YEAR RESERVE	5,802
TOTAL	6,303
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF DIRECTOR	
GENERAL FUNDS	6,303
TOTAL	6,303

Amend PAU 05, 02, 02, 01, 03 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
02 DIVISION OF PUBLIC HEALTH SERVICES	
01 ADMINISTRATION AND SUPPORT	
03 INFORMATION SERVICES	
29 TRANSFERS TO INFORMATION SERVICES A	6,000
40 INDIRECT COSTS E	9,681
80 OUT-OF-STATE TRAVEL	1,008
92 TRAINING	1,196
93 STATISTICAL PROCESS/COLLECTION	2,685
TOTAL	20,570
ESTIMATED SOURCE FUNDS FOR INFORMATION SERVICES	
GENERAL FUNDS	20,570
TOTAL	20,570

Amend PAU 05, 02, 02, 02, 05 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES
02 DIVISION OF PUBLIC HEALTH SERVICES
02 HEALTH PROTECTION
05 HEALTH PROMOTION

40 INDIRECT COSTS E	1,696
46 CONSULTANTS	207
80 OUT-OF-STATE TRAVEL	264
90 TRAINING	1,949
420 CURRENT EXPENSES - OLD YEAR	119
492 OTHER EXPENDITURES - OYR	5,971
TOTAL	10,206
ESTIMATED SOURCE FUNDS FOR HEALTH PROMOTION	
GENERAL FUNDS	10,206
TOTAL	10,206

Amend PAU 05, 02, 02, 03, 01 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
02 DIVISION OF PUBLIC HEALTH SERVICES	
03 DISEASE PREVENTION AND CONTROL	
01 DISEASE PREVENTION AND CONTROL ADMINISTRATION	
40 INDIRECT COSTS E	8,647
70 IN-STATE TRAVEL	300
80 OUT-OF-STATE TRAVEL	465
TOTAL	9,412
ESTIMATED SOURCE OF FUNDS FOR DISEASE PREVENTION	
AND CONTROL ADMINISTRATION	
GENERAL FUNDS	9,412
TOTAL	9,412

Amend PAU 05, 02, 02, 03, 05 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
02 DIVISION OF PUBLIC HEALTH SERVICES	
03 DISEASE PREVENTION AND CONTROL	
05 VACCINATION PROGRAM	
40 INDIRECT COSTS E	3,864
70 IN-STATE TRAVEL	1,358
80 OUT-OF-STATE TRAVEL	155
TOTAL	5,377
ESTIMATED SOURCE OF FUNDS FOR VACCINATION PROGRAM	
FEDERAL FUNDS	764
GENERAL FUNDS	4,613
TOTAL	5,377

Amend PAU 05, 02, 02, 04, 06 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES	
02 DEPARTMENT OF HEALTH AND HUMAN SERVICES	
02 DIVISION OF PUBLIC HEALTH SERVICES	
04 FAMILY AND COMMUNITY HEALTH	

06 FAMILY PLANNING PROGRAM

80 OUT-OF-STATE TRAVEL	309
90 STAFF TRAINING AND DEVELOPMENT	179

TOTAL

ESTIMATED SOURCE OF FUNDS FOR FAMILY PLANNING PROGRAM

FEDERAL FUNDS	156
GENERAL FUNDS	332
TOTAL	488

Amend PAU 05, 02, 02, 05 as inserted by section 2 of the bill by replacing it with the following:

05 HEALTH AND SOCIAL SERVICES

02 DEPARTMENT OF HEALTH AND HUMAN SERVICES

02 DIVISION OF PUBLIC HEALTH SERVICES

05 HEALTH RISK ASSESSMENT

40 INDIRECT COSTS E	11,152
70 IN-STATE TRAVEL	740
94 SAFETY SUPPLIES	8,841

TOTAL	20,733
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ESTIMATED SOURCE FUNDS FOR HEALTH RISK ASSESSMENT

GENERAL FUNDS	20,733
TOTAL	20,733

Amend PAU's 05, 02, 07, 05, 01, and 05, 02, 07, 05, 02 as inserted by section 2 of the bill by replacing them with the following:

05 HEALTH AND SOCIAL SERVICES

02 DEPARTMENT OF HEALTH AND HUMAN SERVICES

07 ADMIN ATTACHED BOARDS

05 MEDICINE, BOARD OF

01 ADMINISTRATION AND SUPPORT

49 TRANS TO OTHER STATE AGENCIES	25,500
70 IN-STATE TRAVEL	802
80 OUT-OF-STATE TRAVEL	942

TOTAL	27,244
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ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION AND SUPPORT

GENERAL FUNDS	27,244
TOTAL	27,244

05 HEALTH AND SOCIAL SERVICES

02 DEPARTMENT OF HEALTH AND HUMAN SERVICES

07 ADMIN ATTACHED BOARDS

05 MEDICINE, BOARD OF

02 PROSECUTING COUNSEL

46 CONSULTANTS	6,000
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TOTAL	6,000
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ESTIMATED SOURCE OF FUNDS FOR PROSECUTING COUNSEL

GENERAL FUNDS	6,000
TOTAL	6,000

Amend section 3 of the bill by replacing it class 80 in PAU 02, 16, 06 with the following:

90 INMATE CLOTHING	4,000
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Amend section 3 of the bill by inserting after PAU 02, 16, 06 the following:

05 HEALTH AND SOCIAL SERVICES

02 DEPARTMENT OF HEALTH AND HUMAN SERVICES

03 DIVISION FOR CHILDREN AND YOUTH SERVICES

02 BUREAU OF CHILDREN

04 C & Y TITLE IVE GRANTS

41 AUDIT FUNDS SET ASIDE	1,709
90 FOSTER CARE	1,198,291

TOTAL	1,200,000
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ESTIMATED SOURCE OF FUNDS FOR C & Y TITLE IVE GRANTS

FEDERAL FUNDS	600,000
PRIVATE OR LOCAL FUNDS	150,000
GENERAL FUNDS	450,000
TOTAL	1,200,000

Amend the bill by replacing all after section 4 with the following:

5 Reduction of Funds. The total of the funds available for fiscal year 1989, to the following entities, here identified by organization code, received from whatever source, shall be reduced in the following amounts:

I. Department of administrative services.

010-014-1378-003 Revolving funds	\$103,687
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II. Department of education.

010-056-4039-490 OYR supported employment	\$ 94,695
025-056-6412-490 OYR regional demo program	\$ 86,697
010-056-6008-090 Educational management initiative	\$ 18,000
010-056-6017-090 Screening	\$ 8,000
025-056-3264-020 Current expenses	\$ 5,000
025-056-3264-070 In-state travel	\$ 1,140
025-056-3264-094 Conf. and workshops	\$ 2,500
025-056-4101-090 Other expenditures	\$700,000

III. Board of medicine.

010-022-4366-090 Other expenditures	\$ 2,354
010-022-4367-090 Other expenditures	\$ 2,250
010-022-4369-090 Hearing	\$ 3,416
010-022-4370-090 Discip. hearing	\$ 4,200

IV. Division of public health services.

010-090-5177-020 Current expenses	\$ 11,704
010-090-5177-040 Indirect costs	\$ 11,119
010-090-5177-050 Other personal services	\$ 2,584
010-090-5177-070 In-state travel	\$ 1,560
010-090-5177-080 Out-of-state travel	\$ 1,420

010-090-6200-046 Consultants	\$ 750
010-090-6200-070 In-state travel	\$ 306
010-090-6200-091 Other expenditures	\$ 330
010-090-6200-092 Other expenditures	\$ 1,007
010-090-6200-093 Other expenditures	\$ 150
V. Health and human services commissioner.	
010-095-5374-497 OYR Other expenditures	\$ 45,000
010-095-5374-097 Substance abuse education and prevention	\$ 60,829
010-095-5370-020 Current expenses	\$ 773
010-095-5370-021 Food institutions	\$ 250
010-095-5370-023 Heat, electricity and water	\$ 250
010-095-5370-049 Transfer to other agencies	\$ 8,644
010-095-5370-050 Other personal services	\$ 12,819
010-095-5370-060 Benefits	\$ 3,762
010-095-5370-090 DWI detention center	\$ 5,400
VI. Division for children and youth services.	
010-040-5809-020 Current expenses	\$ 4,570
010-040-5809-050 Other personal services	\$ 20,000
010-040-5809-070 In-state travel	\$ 5,000
010-040-5809-090 Training	\$ 10,370
010-040-5820-010 Permanent personnel services	\$132,193
010-040-5820-020 Current expenses	\$ 61,000
010-040-5820-050 Other personal services	\$ 37,876
010-040-5820-060 Benefits	\$ 37,446
010-040-5820-070 In-state travel	\$ 977
010-040-5820-080 Out-of-state travel	\$ 9,315
VII. Division of elderly and adult services.	
010-048-8930-020 Current expenses	\$ 825
010-048-8930-046 Consultants	\$ 3,696
010-048-8930-070 In-state travel	\$ 1,125
010-048-8930-080 Out-of-state travel	180

6 General Fund Appropriation Reduced; Postsecondary Vocational-Technical Education Department. The postsecondary vocational-technical education department is hereby directed to reduce the state general fund appropriation for the fiscal year ending June 30, 1989, by the amount of \$496,343. The commissioner shall within 15 days of the effective date of this act notify the director of accounting services and the legislative budget assistant as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to fully comply with this section.

7 General Fund Appropriation Reduced; Legislative Branch. The legislative branch is hereby directed to reduce the state general fund appropriation for the fiscal year ending June 30, 1989, by the amount of \$226,798. The legislative accountant shall within 15 days of the effective date of this act notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to fully comply with this section.

8 General Fund Appropriation Reduced; Judicial Branch. The judicial branch is hereby directed to reduce the state general fund appropriation for the fiscal year ending June 30, 1989, by the amount of \$928,217. The chief justice shall within 15 days of the effective date of this act notify the director of accounting services and the legisla-

tive budget assistant as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to fully comply with this section.

9 Conway Fire District. Amend 1987, 341:4 as amended by 1988, 37:1 to read as follows:

341:4 Conway Village Fire District. The sum of \$960,000 for the fiscal year ending June 30, 1988, is hereby appropriated to the Conway village fire district for the purposes of sewer treatment plant expansion, lagoon system expansion, and for interceptors. This appropriation shall be used to complete the treatment ability of the federal and state-funded sewage system begun in 1979. This appropriation shall be in addition to any other funds appropriated or allocated to the district by the state for water pollution control. The sum appropriated in this section shall be a continuing appropriation and shall not lapse. This appropriation shall not be construed as setting any precedent for any other projects for replacement of federal funds withdrawn. [The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.]

10 New Sections; Bonding Authorized; Principal and Interest. Amend 1987, 341 by inserting after section 4 the following new sections:

341:4-a Bonds Authorized. To provide funds for the appropriation in section 4 of this act, the state treasurer is authorized to borrow on the credit of the state not exceeding the sum of \$960,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

341:4-b Payments. The payment of principal and interest of the bonds and notes issued for the project in section 4 of this act shall be made when due from the general fund.

11 Sum Adjusted; State Water Pollution Control Revolving Loan Fund. Amend 1987, 341:2 to read as follows:

341:2 Appropriation. The sum of [\$2,400,000] **\$1,885,000** is hereby appropriated for the biennium ending June 30, 1989, for the state water pollution control revolving loan fund described in RSA 149-B:12 as inserted by section 1 of this act for the purpose of providing a 20 percent state matching grant for the federal funds deposited in said fund during fiscal year 1989. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This appropriation shall be nonlapsing and in addition to any other sums appropriated to the state water pollution control revolving loan fund.

12 New Section; Principal and Interest Payments. Amend 1987, 341 by inserting after section 5 the following new section:

341:5-a Principal and Interest Payments. Payments of principal and interest of the bonds and notes for the state 80 percent share of the cost of the bonds issued under section 5 of this act shall be charged, when due, against the operating budget of the department of environmental services, division of water supply and pollution control, state aid grant program.

13 Repeal. 1987, 341:6, relative to a matching funds appropriation for the Conway village fire district, is repealed.

14 Parks Division; Carry Over. Amend 1987, 400:5, II to read as follows:

II. Actual revenue received in excess of \$5,400,000 parks income each year adjusted by amounts appropriated in other sections of the biennial budget act, and such funds as may be utilized in accordance with paragraph I, shall be carried over to the following year for the purpose of *operating costs and* maintenance projects within

the parks system in an amount not to exceed [\$250,000] **\$130,000** per year. Funds may be used only with the prior approval of the fiscal committee and with the approval of the governor and council for necessary *operation and maintenance [projects] costs*.

15 Liquor Commission; Lapse of Funds. Notwithstanding any other provision of law to the contrary, the account established by 1987, 400.1, 02, 13, 04, 02, 01, division footnote regarding the liquor commission for relocation of stores and the purchase of store #50, shall lapse to the general fund on the effective date of this act. Moneys due and not received from the department of transportation on the effective date of this act shall be considered as unrestricted general fund revenue in fiscal year 1989 and shall be deposited, when received, into the general fund.

16 Appropriation; Liquor Commission. The sum of \$240,000 is hereby appropriated to the liquor commission for the fiscal year ending June 30, 1989. Of the sum appropriated, \$160,000 shall be used for relocation costs of store #50 in Nashua and \$80,000 shall be used for relocation costs of store #5 in Berlin. This appropriation shall not be transferred or used for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

17 Annual Appropriation; Dredging. Amend 1987, 399:21 to read as follows:

399:21 Repayment of Construction Costs; Dredging of Portsmouth Harbor and Piscataqua River. The state shall repay an additional 10 percent of the total cost of construction for the dredging of Portsmouth Harbor and the Piscataqua River, as authorized by section 1, paragraph VII, B of this act, over a period of not more than 30 years from the date of project completion. [The governor is authorized to draw his warrant for said sums for repayment out of any money in the treasury not otherwise appropriated.] The repayment shall include interest at a rate to be determined by the Secretary of the Treasury. *Payments of principal and interest shall be charged, when due, against the operating budget of the state treasury, special general fund distribution, debt service.*

18 Appropriation. The sum of \$40,000 for the fiscal year ending June 30, 1989, is hereby appropriated to the division of personnel, department of administrative services, for the purpose of paying the remainder of the consultant fee for the consultant hired pursuant to the task force established under RSA 1986, 12:2. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Appropriation; Division for Children and Youth Services. In addition to any other sums appropriated to PAU 05, 01, 03, 02, 07 there is hereby appropriated the sum of \$5,910,000 for fiscal year 1989 to the department of health and human services, division of children and youth services, bureau of children for the purposes of DCYS settlement. This appropriation shall be a charge against the general fund in the amount of \$4,880,000 and other funds in the amount of \$1,630,000. The estimated federal funds within the bureau shall be reduced by \$600,000. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

20 Supplemental Appropriation; Area Vocational School Tuition and Transportation. In addition to any other sums appropriated to PAU 06, 03, 03, 02, 01, class 90, area vocational school tuition and transportation, the sum of \$220,208 is hereby appropriated for the fiscal year ending June 30, 1989, to make up a shortage for the

fiscal year ending June 30, 1988. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

21 Supplemental Appropriation; School Building Aid. In addition to any other sums appropriated to PAU 06, 03, 02, 04, 02, class 90, school building aid, the sum of \$97,810 is hereby appropriated for the fiscal year ending June 30, 1989, to make up a shortage for the fiscal year ending June 30, 1988. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

22 Supplemental Appropriation; Catastrophic Costs. In addition to any other sums appropriated to PAU 06, 03, 03, 03, 01, special education-state, class 92, catastrophic cost, the sum of \$160,671 is hereby appropriated for the fiscal year ending June 30, 1989, to make up a shortage for the fiscal year ending June 30, 1988. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Effective Date. This act shall take effect upon its passage.

Reps. Kidder, Gross, LaMott and Hager spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Rep. Gross offered an amendment.

Amendment

Amend section 1 of the bill by deleting PAU 02, 01, 02.

Amendment adopted.

Ordered to third reading.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on February 23 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 4-A, making supplemental appropriations for fiscal year 1989.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 459, authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill. (Amendment printed SJ 2/16)

Rep. Phelps moved that the House concur.

Adopted.

Reps. Palumbo and Densmore moved that the House stand in recess for the purpose of acceding to a request for a Committee of Conference on SB 4-A.

Adopted.

The House recessed at 2:15 p.m.

RECESS

(Rep. Ann Torr in the Chair)

SENATE MESSAGE

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 4-A, making supplemental appropriations for fiscal year 1989.

The President appointed Sens. Bartlett, Blaisdell, Hough, and alternates Torr and Dupont.

Rep. Phelps moved that the House accede to the request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scamman, Kidder, Hager, Gross and Nardi.

RECESS

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 9

Thursday, February 23, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain.

Abiding God, of course no one said it would be easy, but sometimes things are much harder than we thought they would be. Many voices around us suggest the issues are black and white, right and wrong, good and evil. But we are confronted by infinite shades of gray, and we are asked to make decisions based on things that are hard to grasp.

We ask of You, Holy One, the ability to listen well, to speak clearly, and to decide honestly. Help us to see beyond the moment and when we disagree, help us to do so without being disagreeable. Amen.

Rep. Bell led the House in the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Simon, Janet Barry, David Wright, Guest, Lockwood, Cote, Russell Chase, Fraser, Manus, Ann Derosier, Daniel Eaton, Biondi, Palazzo, Micklon, Lawrence Chase and Gilbreth, the day, illness.

Reps. Normandin, Hidalgo, Beaton, Jones, Kress, Remick, John McCarthy, Vogler, Guay, Moore, McNerney, Spencer, Pantelakos, Lionel Boucher and Hatch, the day, important business.

Reps. Barber, Joseph MacDonald and Teschner, the day, illness in the family.

INTRODUCTION OF GUESTS

Teresa MacPhail, Rebecca and Robert Lee of Derry, guests of Rep. Conroy; Nicholas Harland of Claremont, guest of Jane Harland; Alan, Louise and Dana Fortier, Angela, Charles and Sarah Lemire, Robert, Judy, Jacqueline, Russell and Jeffrey Lemire, guests of Rep. Lemire; Jessica and Jon Caves of Pelham, Liza Dube of Merrimack, guests of Rep. Ellen Dube of Merrimack; Eva Lawrence and Marian Lawrence, guests of Rep. Lawrence; Jason and Hillary Meserve, guests of Rep. Meserve; Ray Demarco, guest of Rep. Palumbo; Katie Brown and Amanda Potveir, guests of Rep. O'Rourke; Brandon Crosby, guest of Rep. Chambers; Greta Whittemore, guest of Rep. Whittemore; Kelly, Scott, Katie and Edward Domaingue, guests of Rep. Domaingue; Bert, Susan, Chris and Becky Ford, guests of Rep. Ford; Frank Dunn of Londonderry, guest of Rep. Sochalski; Sergeant First Class William Lockwood of Virginia, guest of the Clerk; Lieutenant Colonel and Kathleen Willey and their son Jonathan, guests of Rep. Holmes.

VACATE

Rep. Christy moved that the House vacate the reference of HB 732, relative to family and catastrophic medical leave standards to the Committee on Commerce, Small Business and Consumer Affairs. Adopted.

The Speaker referred HB 732 to the Committee on Labor, Industrial and Rehabilitative Services.

SENATE MESSAGES
REQUESTS CONCURRENCE

SB 17, allowing the wetlands board authority to issue cessation orders pending a hearing.

SB 36-FN, relative to catastrophic costs and school building aid.

SB 38-FN, relative to fireworks.

SB 49-FN-A, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies.

SB 65, establishing a committee to study mental health insurance benefits.

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate.

SB 69-FN, establishing the home mortgage guarantee authority.

SB 70-FN-A, establishing a pilot program to test the application of the office of state planning's GRANIT system.

SB 78-FN-A, making appropriations to the WIC program.

SB 79-FN, relative to state employee bargaining rights.

SB 89-FN, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

SB 106-FN, relative to driver's license applications by nonresident drivers.

SB 113-FN-A, relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor.

SB 128, relative to subdivision approval by planning boards.

SB 132, relative to Rockingham Park and the Rochester Agricultural and Mechanical Association, Inc.

SB 133-FN-A, making an appropriation for Title XX grants and protective and preventive child care.

SB 136-FN, prohibiting abortions performed on certain minors without parental consent.

SB 147-FN-A, relative to waiting lists for developmentally disabled persons.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor.

SB 153-FN-A, establishing a committee to study the AFDC program.

SB 156-FN, relative to refuse disposal.

SB 158-FN, relative to the sale of a manufactured housing park.

SB 164-FN, relative to licensing ophthalmic dispensers.

SB 166, establishing the home mortgage guarantee authority, relative to modifying planning board procedures on plats and relative to invalid zoning ordinances and appeals to the superior court.

SB 169-FN, creating a committee to study school tax rates.

SB 170-FN-A, establishing an emergency shelter telephone service and a pilot housing voucher program, and making an appropriation for the emergency shelter telephone service.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

SB 178, relative to campaign financing.

SB 187-FN-A, relative to drug and alcohol abuse treatment at the New Hampshire state prison and making an appropriation therefor.

SB 191-FN-A, relative to telecommunications devices for the deaf.

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor.

COMMITTEE REPORTS

(Consent Calendar)

HB 141-FN, relative to liability of parents for expenses. Ought to Pass with Amendment.

The amendment clarifies in law the duration of time a parent is liable for the expenses of a minor child. Vote 16-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to liability for expenses.

Amend the bill by replacing all after the enacting clause with the following:

1 Reimbursement Schedule. Amend RSA 169-B:40, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the people chargeable by law for the minor's support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. *Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.*

2 Reimbursement Schedule. Amend RSA 169-C:27, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. *Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.*

3 Reimbursement Schedule. Amend RSA 169-D:29, I(c) to read as follows:

(c) The state shall have a right of action over for such expenses against the parents or the person chargeable by law for the child's support and necessities. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as

to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. *Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the child by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that reimbursement to the state by the individual chargeable by law for expenses relative to a minor's support and necessities be made on a weekly or monthly basis and continue for a length of time equal to the length of time the expenses were incurred on behalf of the child by the state.

HB 294-FN, relative to unlawful concealment of a child. Inexpedient to Legislate.

The bill would appear to create "felons" of parents who might flee abusive situations to shelters like "a safe place" or the like to escape abuse. The bill might address one situation or problem. However by a vote of 15-0 the Committee agreed the bill is not well-defined and tends to raise more questions than it answers. The preponderance of the testimony was against this bill and it was determined that it would need too much work to even begin to think of re-referral. Requests for an amendment to make the bill retroactive were considered unconstitutional. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 359, relative to statements of minors in civil cases. Ought to Pass.

This bill provides that statements of minors in civil actions to recover damages on behalf of a minor child for abuse or assault shall not be excluded as hearsay, provided that the judge has made findings of facts that the statement is apparently trustworthy and that the witness is competent. Vote 17-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

HB 123-FN, relative to the office of securities regulation. Ought to Pass with Amendment.

This bill was requested by the Office of Securities Regulation. It exempts domestic issue-dealers, usually those making a single offering, from paying the expenses of post-licensing examinations. It clarifies the period of time an issuer of exempted securities must wait before selling from 10 days to 10 business days. It corrects language on misleading filings. It requires disclosures to be in legible size on any prospectus or offering and adds new language to deal with cease and desist orders. All testimony favored these changes. The amendment adds mileage expenses to and from the examination incurred by the office. The Fiscal Note decreases state expenditures by \$6,375 in FY90 and by \$19,125 in FY91. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 421-B:9, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The broker-dealer or other person examined pursuant to this section shall bear the expense of the examination. Such expense shall be limited to a reasonable per diem allowance for compensation and expenses as determined by the director. *Notwithstanding any other provision of law, domestic issue-dealers shall be exempt*

from bearing the expense of examinations conducted pursuant to this section, except for the mileage expenses to and from the examination incurred by the office.

AMENDED ANALYSIS

This bill was requested by the office of securities regulation.

The bill:

(1) Exempts domestic issue-dealers from paying expenses, except for mileage expenses, of post-licensing examinations.

(2) Clarifies that the period that an issuer of exempted securities must wait before selling such securities is 10 business days.

(3) Makes it illegal to make false or misleading statements in contested case hearings.

(4) Requires that the text of a law regarding unlawful representations be printed on the cover page of any prospectus or other offering document or exempted filing.

(5) States that if the person to whom a cease and desist order is issued by the director of the office of securities regulation fails to request a hearing within 30 days, the order will become permanent unless the order is later modified or vacated by the director.

HB 124-FN, relative to the annual fee for issuers of open-end mutual funds and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers. Ought to Pass.

The bill reduces the terms of license fees for broker/dealers to an annual cycle. It also states that issuers of open-end mutual funds are charged for each individual series. Testimony revealed that the annual fees will remain competitive. No fiscal impact. Vote 15-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 162, restricting credit card finance charges. Inexpedient to Legislate.

The Committee found that restricting credit card charges could impact only those cards which originate in New Hampshire, and would most likely restrict credit to those who need it most. If interest rates rise enough, a cap could result in a severe reduction of credit availability in New Hampshire and limit competition. At the least, it would give an advantage to non-New Hampshire institutions over which we have no regulatory power. It was further felt, however, that the safest control over interest rates is strong competition in an open market. Beyond that the majority of the Committee felt that in addition to interest rates, credit card issuers derive additional revenue from consumers by: (1) assessing annual fees; (2) late fees; (3) over-the-limit fees; (4) transaction charges; (5) limited or non-existent grace periods; (6) credit card insurance fees; and (7) automatic (unrequested) cash advances. Given the sophisticated complexity of this \$155 billion industry, it is not surprising, therefore, that most states have recognized the need for some consumer protection. For the record, our state is one of approximately 6 which has neither credit card regulation nor usury laws. Consequently, New Hampshire consumers, or those out-of-state consumers who acquire cards issued by New Hampshire-based operations have no protection against excesses of the industry except for the very limited protection provided by federal legislation. At some future time the Committee might desire to address those issues and possible regulation. Vote 15-0. Reps. Bonnie B. Packard and Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

HB 293-FN, creating a committee to study experience modifications. Inexpedient to Legislate.

Workers' Compensation costs are a major concern to employers. HB 293 was designed to study the ratemaking process, especially the delay in employers learning their mods (what their premium will be). The Governor has appointed a committee to study the problems inherent in the system, therefore, the Committee does not any longer consider this bill necessary. A Subcommittee will be appointed to act on study experience mods if this becomes necessary in the future. Vote 15-0. Rep. Leo W. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

HB 362-FN, requiring truth in menus. Inexpedient to Legislate.

The sponsor of the bill inferred that the bill was not drawn up to her specifications. It was ambiguous and loosely written to cover the topic. Testimony showed that it is not needed. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 347-FN, relative to renaming wards in Concord. Inexpedient to Legislate.

House Bill 347 would change the ward designations in Concord from letters to numbers. This bill is not necessary as the change will be made at the next redistricting. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 369, relative to assumption of a town office after a recount. Ought to Pass.

This bill would prevent a person from assuming a town office until after the time period for holding a recount has expired. Vote 9-0. Rep. Ellen C. Dube for Constitutional and Statutory Revision.

HB 372-FN, relative to forwarding election returns by the state police. Re-refer to Committee.

This bill is relative to forwarding election returns by the State Police. The Committee recommends re-referral to give the Secretary of State and the State Police time to make the best arrangements for town or ward clerks to forward election returns. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 20, authorizing investigators to photograph hazardous waste sites. Ought to Pass.

This bill allows inspectors of the Division of Waste Management to photograph containers or vehicles at sites which are believed to contain hazardous waste. Evidence of improperly-stored or improperly-handled waste will be preserved before it could be removed while inspectors are seeking authority to photograph these containers or vehicles. The Committee interprets the word "photograph" to mean both still and video photography. Vote 18-0. Rep. Rick A. Trombly for Environment and Agriculture.

HB 128-FN, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations. Ought to Pass.

The Committee believes that the Department of Environmental Services should have the authority it needs to enforce the laws with regard to Hazardous Waste Management violations. Vote 18-0. Rep. Betty B. Hall for Environment and Agriculture.

HB 146-FN, relative to the milk standard. Ought to Pass with Amendment.

This bill, requested by the Department of Agriculture, is an attempt to stabilize the butter fat content of milk throughout the Northeastern United States. It will give the Milk Sanitation Board of New Hampshire authority to set the butter fat level in agreement with other northeastern states. However, this legislation retains the present level

of 3.35 as a floor which the Board cannot go below. The bill adds two additional licensed milk producers to the Board. Vote 15-0. Rep. John L. Sherburne for Environment and Agriculture.

Amendment

Amend the bill by replacing section 2 with the following:

2 Milk Content Standard. Amend RSA 184:79, XXII to read as follows:

XXII. The term "milk" means the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum free. The term "milk" unqualified means cow's milk. [It shall contain not less than 11-85/100 percent of milk solids, nor less than 3-35/100 percent of milk fat.] *The board shall by rule establish the minimum percentage requirements for milk solids and milk fat in milk; provided, however, that no standard shall be set that is less than 11-85/100 percent of milk solids, nor less than 3-35/100 percent of milk fat.* The board shall set these standards as close as possible to those of adjacent states.

Amend the bill by replacing all after section 3 with the following:

4 Board Membership. Amend RSA 184:80 to read as follows:

184:80 Milk Sanitation Board Established. There is hereby created an advisory board to be known as the milk sanitation board which shall consist of the following members:

I. The commissioner of agriculture[.].

II. The director of the division of public health or his designated alternate[.].

III. The dean of the college of *life science and* agriculture at the University of New Hampshire or a member of his teaching staff to be designated by him[, and 4 members-at-large. The 4 members-at-large shall consist of].

IV. An individual who holds a milk plant license[, an individual].

V. Three individuals who [holds a] *hold* valid producer [permit, a health officer of a town or city, a representative of the public whose interest and knowledge of the dairy industry is qualified to represent the public in connection with matters involved with this subdivision] *permits*.

The [members-at-large] *milk plant licensee and the producer permit holders* shall be residents of the state and shall be appointed by the governor with the consent of the council and each shall hold office for a term of 6 years and until his successors shall be appointed and qualified; provided, that the original appointments shall be one for a term of 2 years, one for a term of 3 years, one for a term of 4 years, and one for a term of 6 years. The [members-at-large] *milk plant licensee and producer permit holders* shall receive no compensation for their services but shall receive necessary travel and other expenses while engaged in actual work of the board. The chief of the bureau of food and chemistry of the division of public health services shall act as technical secretary without voting power.

5 Repeal. The following are repealed:

I. RSA 184:93, *II.*, relative to promulgation of amendments to regulations adopted by the milk sanitation board.

II. RSA 184:93, *III.*, relative to rules and regulations in effect on March 28, 1961.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill gives authority to the milk sanitation board to set by rule the percentage of milk solids and milk fat required in milk so long as the percent of milk solids is not less than 11-85/100 and the percent of milkfat is not less than 3-35/100.

The bill also requires the milk sanitation board to adopt all of its rules in accordance with RSA 541-A. The bill also adjusts the composition of the milk sanitation board, by removing the public member and the town or city health officer and adding 2 produce permit holders.

This bill is a request of the department of agriculture.

HB 201, relative to protective custody of abused or neglected animals. Ought to Pass with Amendment.

This bill provides the authority for appropriate law enforcement and Humane Society officers to take animals, which are abused or in clear danger, into temporary protective custody. The amended version includes language to reduce the risk of over-zealous enforcement. Vote 12-0. Rep. Douglass P. Teschner for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Temporary Protective Custody. Amend RSA 644:8 by inserting after paragraph IV the following new paragraph:

IV-a. (a) Except as provided in subparagraph (b) any appropriate law enforcement officer, animal control officer, or officer of a duly licensed humane society may take into temporary protective custody any animal when there is probable cause to believe that it has been abused or neglected in violation of paragraph III when there is a clear and imminent danger to the animal's health or life and there is not sufficient time to obtain a court order. Such officer shall leave a written notice indicating the type and number of animals taken into protective custody, the name of the officer, the time and date taken, the reason it was taken, the procedure to have the animal returned and any other relevant information. Such notice shall be left at the location where the animal was taken into custody. The officer shall provide for proper care and housing of any animal taken into protective custody under this paragraph. If, after 7 days, the animal has not been returned or claimed, the officer shall petition the municipal or district court seeking either permanent custody or a one-week extension of custody or shall file charges under this section. If a week's extension is granted by the court and after a period of 14 days the animal remains unclaimed, the title and custody of the animal shall rest with the officer on behalf of his department or society. The department or society may dispose of the animal in any lawful and humane manner as if it were the rightful owner. If after 14 days the officer or his department determines that charges should be filed under this section, he shall petition the court.

(b) For purposes of subparagraph (a) the appropriate law enforcement officer for domestic animals, as defined in 436:1, or livestock, as defined in RSA 427:38, III, shall be a veterinarian licensed under RSA 332-B or the state veterinarian.

2 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill provided a procedure for appropriate law enforcement officers, animal control officers, or humane society officers to take animals where there is probable

cause to believe the animal is being abused or neglected, within the context of RSA 644:8, III, into temporary protective custody. The bill requires that the officer either petition the court within 7 days for permanent custody or a week's extension of custody, or file charges for cruelty to animals.

The bill declares that the appropriate law enforcement officer for domesticated farm animals, poultry, or large animals is the state veterinarian or a veterinarian licensed under RSA 332-B.

HB 307-FN, relative to cat breeders and dog breeders. Inexpedient to Legislate

The sponsor asked that the bill be withdrawn. Vote 13-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HCR 1, a resolution of support for northeastern regional cooperation in solid waste reduction, recycling and disposal. Ought to Pass.

The Committee unanimously supports a regional approach to recycling of solid waste and working with the 10 northeastern states in establishing markets. Vote 19-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 286-FN, relative to using Wallop-Breaux funds for launching site maintenance. Inexpedient to Legislate.

The intent of this bill was to prevent the Department of Fish and Game from misappropriating these funds. The funds are gone so the coop is empty and the bill now becomes redundant. Vote 12-0. Rep. William P. Boucher for Fish and Game.

HB 31, recodifying the laws pertaining to the elderly. Ought to Pass.

This bill recodifies all the laws pertaining to the elderly into a new chapter, RSA 161-F. It was requested by the Division of Elderly and Adult Services, Department of Health and Human Services. Currently, laws regarding the elderly appear in different chapters. The Division of Elderly and Adult Services is a new division. By passage of HB 31, it simplifies the locating of different statutes, as they will now all be in one chapter. There was no opposition at the Committee hearing, as there is no change from the present statutes. Vote 15-0. Rep. Alice Tirrell Knight for Health, Human Services and Elderly Affairs.

HB 60, relative to pronouncement of death by nurses. Ought to Pass with Amendment.

This legislation was requested by the Division of Public Health Services to clarify RSA 290 in three important areas. This statute was amended in 1986 to permit nurses to pronounce death, when an anticipated death occurs, in nursing homes, hospices, and in the private home served by the licensed home health care provider. This legislation extends that privilege to include a pronouncement of death by nurses in hospitals. This is an alternative to a physician pronouncing death and, as is the case in the other facilities, depends on the policy of the facility. This bill will not intrude on the practices of the hospital - it simply provides an alternative if one is needed.

House Bill 60 also would strengthen RSA 290 by requiring that a pronouncement of death must occur before the body of a deceased person is released from any of these facilities. Unfortunately, the amendment in 1986 had the unintended effect of making this seem optional. This was not intended and certainly presents a state of affairs that should not continue. No deceased person should be released without a pronouncement of death being made. This bill accomplishes that end.

Finally, the bill will require that the presence of a contagious disease be noted on the death certificate regardless of what facility the death occurs in. At present, conta-

gious diseases are only noted on the death certificate of individuals released from hospitals.

The amendment to this bill is grammatical correction to indicate the plural by the word "facility" rather than "hospital" at the end of the paragraph RSA 290:2-2. Vote 16-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 290:2-a as inserted by section 2 of the bill by replacing it with the following:

290:2-a Release [from Hospital] *of Body*. No dead body of a human being shall be removed from a hospital, *a nursing home, a private home served by a home health care provider licensed under RSA 151, or a hospice* without a pronouncement of death signed by a physician *or a registered nurse in accordance with RSA 290:1-b*, including the time and date of death. Whenever a contagious disease is involved, the death certificate shall so state before the body shall be released from the facility.

HB 61, relative to accessibility of vital records. Ought to Pass.

The purpose of this bill is to restrict access to information in vital records and health statistics which could affect registrants, family or next of kin. The media may request sensitive information when disclosure would be a public benefit and is in accordance with the wishes of the registrant, the immediate family or the next of kin. This bill was requested by the Division of Public Health Services. Vote 15-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

HB 94-FN, relative to pre-admission screening for nursing homes. Ought to Pass.

This bill, requested by the Division of Human Services, expands the eligibility for the pre-admission screening program for both intermediate and skilled-care nursing facilities. This expansion will include all applicants for admission to such facilities. Under current law, only recipients of medical assistance are eligible for the pre-screening program. The bill also changes from six months to 12 months, the time in which an applicant becomes eligible for medical assistance under the Medicaid Reimbursement System. Vote 16-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 95-FN, relative to eligibility criteria for AFDC recipients. Ought to Pass with Amendment.

This bill amends the eligibility criteria of the state's AFDC program by providing eligibility to families where the child has been deprived of parental support and care by reason of the unemployment of his or her parent who is the principal wage earner. This bill was requested by the Division of Human Services, Department of Health and Human Services. The amendment changes the effective date to October 1, 1990, in compliance with federal law. Vote 13-2. Rep. Bronwyn Asplund for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect October 1, 1990.

Referred to Appropriations.

HB 97-FN, relative to eligibility for public assistance. Ought to Pass with Amendment.

This bill is intended to close a loophole concerning benefits paid to applicants who transfer property for less than fair market value within three years prior to or after applying for benefits. This changes the time frame from 36 months to 30 months. The bill also deletes references to food stamp applications from restrictions on eligibility for certain public assistance benefits. Vote 15-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 167:4, II as inserted by section 1 of the bill by replacing it with the following:

II. In the case of an applicant for public assistance [, food stamps] or medical assistance who has made an assignment or transfer of property *for less than fair market value* within [3 years] *30 months* immediately preceding the date of his application *or while his application is pending*, or in the case of a recipient of public assistance [, food stamps,] or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the director of the division of human services under RSA 541-A, subject to applicable federal regulations.

HB 98-FN, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs. Ought to Pass.

This bill enables counties and towns to be reimbursed for prescription drugs where the recipient is later determined to be eligible for state medical assistance. This bill tightens up previous legislation as the dollars are already in the budget. This bill would be effective 90 days after passage. Vote 14-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 107-FN, relative to food service licensure. Ought to Pass.

This bill was requested by the Division of Public Health Services. It authorizes the Director to seek an injunction when unlicensed food service establishments, or retail food stores, as defined in RSA 143-A are operating in a manner that does not meet licensure standards and appears to pose a health hazard. In addition to the Director, the prosecuting attorney of the municipality where the establishment is operating, as well as any citizen, may act to enjoin the establishment. Vote 16-0. Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs.

HB 76-FN, relative to hearings on tax abatements for property taxes. Inexpedient to Legislate.

The bill in its original form was strongly opposed by assessors as being procedurally defective by requiring a public hearing on abatement applications with notice to applicants by registered mail. The Board of Tax and Land Appeals was of the opinion the original bill would provide a reasonable method of handling property tax appeals; local officials, however, were not contacted relative to this matter, and the assessors who testified were strongly opposed. An amendment was subsequently submitted to the Committee which would require the assessing officials (selectmen in the case of many small towns) to respond to all abatement appeals within five months of notice of tax. The amendment was rejected by the Committee as not solving what appeared to

be the real problem: a very heavy work load at the Board of Tax and Land Appeals following property re-evaluations. The Committee would hope that the Board of Tax and Land Appeals, together with local officials, would work to refine and update the tax appeal process. Vote 18-0. Rep. George M. West for Municipal and County Government.

HB 155, relative to correcting an error in the March 10, 1987, Hooksett school district election ballot. Ought to Pass with Amendment.

This bill corrects a ballot error of Hooksett School Meeting of March 10, 1987 where the warrant called for two members to be elected to the School Board for three-year terms, but a misprinting of the ballot called for "two-year" terms. The amendment makes the bill effective upon passage. Vote 17-0. Rep. Roger C. King for Municipal and County Government.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

HB 190-FN-A, relative to conflicts between municipal budget law and collective bargaining negotiations. Re-refer to Committee.

The issue which gave rise to HB 190 involves inconsistencies between the laws governing collective bargaining and the Municipal Budget Act. In one instance the conflict resulted in Superior Court action. The Committee feels that this is a big problem that is not amenable to a quick fix, hence the recommendation for re-referral. Vote 18-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 225-FN-A, relative to filing of planning board and board of adjustment decisions and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels this bill is unnecessary and could be costly and time-consuming to these boards. The possibility of information from town or city decisions unduly influencing decisions of boards in other communities acting under different ordinances makes this legislation undesirable. The Office of State Planning, which would have been the repository of these decisions, did not testify in favor of the bill. Vote 17-0. Rep. Leona Dykstra for Municipal and County Government.

HB 306-FN, increasing the penalties for owners of dogs which are a nuisance, a menace, or vicious. Inexpedient to Legislate.

The content of the bill is contained in HB 267, which is a result of a study committee and currently assigned to the Committee on Judiciary. Therefore, the Committee felt that HB 306 was redundant. Vote 14-0. Rep. David A. Welch for Public Protection and Veterans Affairs.

HB 356-FN, requiring permits from municipal or state police for purchase of pistols and revolvers. Inexpedient to Legislate.

Testimony on HB 356 was overwhelmingly "in opposition," including 116 "NO" and 2 "YES" phone calls to the Committee office. Members of the law enforcement community, including the New Hampshire State Police, were apprehensive because of the anticipated additional administrative and paperwork burdens to be assumed in the receipt, handling, researching and maintaining files for each application to purchase a handgun. Licensed gun dealers testified that the existing federal rules and New Hampshire statutes on the sale of handguns requires strict compliance by the gun dealers as to "positive identification" of prospective purchasers. The prospective

purchaser, who wilfully furnishes misleading or false background information on the "record of sale" may be found guilty of a class "B" felony. Further that no legitimate New Hampshire gun dealer would risk the loss of both the federal license (from the Bureau of Alcohol, Tobacco and Firearms) and the local license issued by the municipality, by making the sale of a handgun, without positive identification of the purchaser and compliance with all pertinent statutes. Lastly, New Hampshire statutes mandate that gun dealers furnish a copy of the "record of sale" to the selectmen of the town or the chief of police of the city within seven (7) days of the sale. Vote 14-0. Rep. Bruce F. Hunter for Public Protection and Veterans Affairs.

HB 197-FN, to reclassify portions of certain highways in the town of Seabrook. Ought to Pass with Amendment.

This bill reclassifies five sections of class II highways in the town of Seabrook to class V highways. Reclassification will transfer maintenance responsibility from the state to the town. In the past, the state has paid two-thirds of costs. This bill decreases state expenditures. The bill is supported by town and state departments. Vote 17-0. Rep. Channing T. Brown for Public Works.

Amendment

Amend section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. New Zealand Road beginning at the intersection with New Hampshire Route 107 westerly for approximately 0.02 miles to the intersection with True Road.

HB 199-FN, amending the 10-year highway plan. Inexpedient to Legislate.

The sponsor withdrew this bill since proposed commercial developers of Rockingham Park guarantee Pelham uninterrupted vehicular service and access from Route 93 - Exit 1. Vote 17-0. Rep. Roland A. Frechette for Public Works.

HB 246-FN, relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next. Ought to Pass with Amendment.

This bill allows the Department of Transportation to request authorization for Urban Mass Transportation (UMTA) funds to be appropriated and committed to a project for the life of the project. This will require Governor and Council approval one time instead of annually if the project exceeds one fiscal year. There are no added costs involved. The amendment changed one word and the effective date to upon passage. Vote 18-0. Rep. Channing T. Brown for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Carry Over of Federal Funds. Amend RSA 228 by inserting after section 74 the following new section:

228:74-a Carry Over of Federal Funds. All Urban Mass Transportation Administration funds assigned to a New Hampshire program, which are obligated to that program until its completion, shall be carried over from one state fiscal year to the next. The length of time such funds may be carried over shall be governed by the obligated time limit assigned to the funds by the federal government.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires federal Urban Mass Transportation Administration funds assigned to New Hampshire projects to be carried over from one fiscal year to the next.

HB 247-FN, relative to the transfer of funds for turnpikes from the general reserve account. Ought to Pass.

This bill is merely a housekeeping bill to eliminate one step in the accounting procedure at the Department of Transportation. The bill authorizes the transfer of funds for turnpikes direct from the general reserve account. Vote 18-0. Rep. Warren L. Swope for Public Works.

HB 279-FN-A, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor. Ought to Pass with Amendment.

The Land Conservation Investment Program (LCIP) purchased the 65 acres abutting Odiorne Point State Park in Rye from Ralph Brown. They could not purchase the buildings because of restrictions in the LCIP program. The state has a right of first refusal to purchase the remaining 2 acres and buildings when available. This legislation authorizes the Department of Resources and Economic Development to receive donations for that purchase. Donations are anticipated to be available so the amendment reduces the appropriation to \$1.00. Vote 17-0. Rep. Fredrik Peyron for Public Works.

Amendment

Amend section 2 of the bill by replacing it with the following:

I. Appropriation. The sum of \$1 is hereby appropriated to the department of resources and economic development for the biennium ending June 30, 1991, for the purchase of the property described in section 1 of this act. This appropriation shall be in addition to any other appropriation for the department of resources and economic development for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The commissioner of the department of resources and economic development is also authorized to accept private donations for the purpose of section 1 of this act; and such funds are hereby continually appropriated for such purposes.

Referred to Appropriations.

HB 299-FN-A, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor. Inexpedient to Legislate.

This bill requested \$292,500 for facilitating the access of regional planning commissions to a state geographic data base. The Committee supports the program, but believes its funding should come from the Governor's budget which, the Committee was told in testimony from the Office of State Planning, calls for a doubling of funds for regional planning. Vote 11-0. Rep. Amanda A. Merrill for Science, Technology and Energy.

HB 36, relative to library records confidentiality. Ought to Pass with Amendment.

This bill provides that library records would not be made public except with consent or pursuant to a subpoena, court order or as otherwise provided by law. This law insures privacy of New Hampshire citizens in using public libraries. Vote 17-0. Rep. William H. McCann for State Institutions and Housing.

Amendment

Amend RSA 201-D:11, I as inserted by section 3 of the bill to read as follows:

I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in paragraph II. Such records include,

but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services.

HB 159, repealing certain railroad bridge requirements. Ought to Pass.

Bridge guards referred to in this bill are sets of light wires or strips of metal hanging from an arm extending across a rail line. The purpose of this was to warn a brakeman who might be walking on top of a train that he was approaching a bridge and therefore, should move into a position so he would not get hurt. At this point in time brakemen are no longer employed and all planking as well as the ladders to it have been removed. This is true on all railroad operations. Vote 17-0. Rep. Irvin H. Gordon for Transportation.

HB 185, clarifying the department of transportation's authority in maintaining and operating rail operations. Ought to Pass.

Control of railroads in the state has already been shifted from the Public Utilities Commission to the Department of Transportation. This bill provides the Department of Transportation may grant permission to a corporation to acquire, maintain and operate any existing railroad line within the state if it feels that the public good is being served. This also applies to the street railways within the state. Vote 15-0. Rep. Irvin H. Gordon for Transportation.

HB 211-FN, relative to boat registration fees. Inexpedient to Legislate.

In the 1988 session a special committee did an extensive study of boat registration fees and presented a bill recommending a revised schedule of fees. The bill became law January 1, 1989. It is the feeling of the Transportation Committee that early February 1989 is too soon to consider another revision of fees. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

(Regular Calendar)

HB 218, permitting a person to be the candidate for only one party. Majority: Inexpedient to legislate. Minority: Ought to Pass.

MAJORITY: The intent of the voter should be the paramount consideration. If the problems connected with double-dipping cannot be resolved by the parties filling candidate slots, then they cannot be resolved by eliminating the right of the voter to vote for the candidate of his or her choice. Vote 5-4. Rep. LeRoy S. Dube for the Majority of Constitutional and Statutory Revision.

MINORITY: House Bill 218 amends RSA 659:91-a and prohibits a person who ran in one party's primary from being a candidate of a different party in the state general election. Current law provides that a person may run as both a Republican and a Democrat in the general election, as long as the candidate is elected by his or her own party and receives at least ten write-in votes from the other party in the primary election. Reps. Carol H. Holden, Matthew J. Locke, Ellen C. Dube and Gary R. Gilmore for the Minority of Constitutional and Statutory Revision.

Rep. Holden moved that HB 218 be recommitted to the Committee on Constitutional and Statutory Revision.

Adopted.

HB 83-FN, relative to employer reimbursements and the New Hampshire retirement system board of trustees. Inexpedient to Legislate.

The Committee, after long discussion, felt this bill might set a precedent for other boards and commissions. New Hampshire citizens have a tradition of volunteer service and most towns and cities are proud to have their employees serve. The bill will

have no fiscal impact, the worst scenario could be about \$250 to the Retirement System. Vote 13-3. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Resolution adopted.

HB 309-FN, prohibiting the stocking of bodies of water which are inaccessible to the public. Inexpedient to Legislate.

After much discussion, the Committee found this bill Inexpedient to Legislate. The Committee, however, strongly urges the Fish and Game Department to pursue the access to these bodies of water so that more fishermen can take advantage of their availability and further recommends that future legislation addressing this problem should be considered. Vote 13-0. Rep. Lester R. Perham for Fish and Game.

Resolution adopted.

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor. Ought to Pass.

This bill enables New Hampshire to implement the federal mandate of 7/1/85 by increasing the personal needs allowance for residents in residential care facilities, community residences and nursing homes for fiscal years 1990 and 1991. The increase is \$5/resident, making a \$40 per month allowance for personal needs. This bill would be effective July 1, 1989. Vote 15-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 295-FN-A, relative to an information booklet for caretakers of Alzheimer's disease victims and making an appropriation therefor. Ought to Pass.

The funds provided by this legislation will enable the preparation and distribution of a booklet for care givers of Alzheimer's victims. Alzheimer's is a disease affecting 10% of those more than 65 and 20% of those more than 80. It places extraordinary care demands on spouses of victims. Because lack of information on how to handle the problems involved, caregivers usually exhaust resources — money, time and abilities — sooner than necessary. The booklet will provide information on what to do and the availability of assistance. By enabling care givers to meet their problems more effectively and thus provide home care for a longer period, this booklet is expected to save the state money. The Fiscal Note calls for state expenditures of \$8500 in FY 90 and None in FY91. Vote 15-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 296-FN-A, relative to Alzheimer's respite care service and making an appropriation therefor. Ought to Pass.

Alzheimer's destroys the brain, and thus intelligence, so victims need constant attention. Loving spouses give the best care, but if they burn out the victim must be institutionalized. This bill enables caregivers to have respite from their incessant vigilance and to thus provide home care for a longer time. If it enables home care (instead of institutionalization) to be provided for as little as two additional weeks, the state will break even; it is thus cost effective. It will provide respite to an additional seventy families (200 total) and increase the amount available per family by \$300/year. Fiscal Note calls for state expenditures of \$140,000 in FY90 and \$140,000 in FY91. Vote 15-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 25, relative to surrogate parenting contracts. Inexpedient to Legislate.

Last session, the House established a Commission on Surrogate Parenting. The Commission has been working for more than a year and as required will make its report to House and Senate. This Committee believes that it is appropriate to wait for the Commission's report and suggested legislation. Vote 13-3. Rep. Beverly A. Hollingworth for Judiciary.

Resolution adopted.

HB 310, exempting veterinarians from jury duty. Inexpedient to Legislate.

While the Committee recognizes the significance of the occupation of Veterinary Medicine, it feels that the importance of keeping open the jury pool supersedes the desire of this group to be exempt from serving. Any individual may be excused. Vote 12-6. Rep. Elizabeth D. Lown for Judiciary.

Resolution adopted.

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III. Ought to Pass with Amendment.

The funds to be provided by this bill are an investment in the security of the State House for the sake of posterity. It provides funds to carry out Phases II and III of the fire protection plan, Phase I now being complete. These funds are needed to reduce fire hazards, to both install new sprinklers and replace sprinklers which have been left in place beyond their life expectancy, to protect the House and Senate Chamber plaster ceilings from possible sprinkler damage, to install fire doors and to otherwise protect the esthetics of this treasure we all love. Fiscal Note calls for state expenditures of \$277,000 for FY90. Vote 13-0. Rep. Joe B. Parks for Legislative Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$277,000 is hereby appropriated to the joint committee on legislative facilities for the biennium ending June 30, 1991, for improvements in fire protection for the state house, phases II and III. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 239, relative to legalizing town meetings. Ought to Pass.

House Bill 239 clarifies RSA 31:5-b as adopted by the Legislature in 1988. Some confusion was evident from the previously adopted law and this bill attempts to correct this confusion. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

Ordered to third reading.

HB 181, relative to crossing the unbroken painted line on highways. Inexpedient to Legislate.

Correcting RSA 265:22 allows a driver attempting to pass the vehicle in front of him to move across a solid yellow line providing he can see the end of a broken line in front of him and no vehicle is approaching from the opposite direction. This bill seeks

to remove that provision. The Committee feels the present situation is satisfactory. Vote 14-3. Rep. Irvin H. Gordon for Transportation.

Resolution adopted.

HB 188-FN, to repeal the right to hunt moose. Inexpedient to Legislate.

The Committee feels the Fish and Game Department has successfully implemented a comprehensive moose management plan which should continue to include a controlled moose hunting season. The Committee further feels that the Department has a thorough understanding of moose management and excellent working knowledge of New Hampshire's present moose herd. This Committee feels RSA 208:1-a should not be repealed and recommends that this bill be Inexpedient to Legislate. Vote 16-0. Rep. Romeo J. Theriault for Fish and Game.

Rep. Burton moved that the words Ought to Pass with Amendment, be substituted for the Committee Report, Inexpedient to Legislate, and yielded to questions.

Reps. Perham and Palumbo spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 100

NAYS 247

**YEAS 100
BELKNAP**

Golden, Paul A.
Randall, Kenneth A.

Maviglio, Steven R.
White, James J.

Pearson, Ralph W.

CARROLL

Wiggin, Allen R.

CHESHIRE

Cole, Kenneth A.
Doucette, Richard F.
Spear, Susan S.

Cole, Stacey W.
Foster, Katherine D.

Delano, Robert F.
Hill, Douglas E.

COOS

Buckley, C. Fitzgerald, III

Mayhew, Josephine

GRAFTON

Adams, Carl S.
Copenhaver, Marion L.

Arnesen, Deborah L.
Nordgren, Sharon L.

Chambers, Mary P.

HILLSBOROUGH

Ahrens, Frederick G.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Gureckis, Adam C., Sr.
Hunter, Bruce F.
Lozeau, Donnalee M.
Nardi, Theodora P.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Toomey, Daniel

Baldizar, Barbara J.
Drolet, Paul L., Jr.
Dykstra, Leona
Ford, Nancy M.
Hall, Betty B.
Johnson, Lionel W.
McDowell, James E.
O'Rourke, JoAnne A.
Record, Alice B.
Sage, Ronald P., Jr.
Wright, George W.

Donovan, Francis X.
Dube, Ellen C.
Elliott, Larry G.
Green, Scott E.
Holden, Carol H.
Lown, Elizabeth D.
McRae, Karen
Packard, Bonnie B.
Rheault, Lillian I.
Soucy, Lillian E.

MERRIMACK

Anderson, Eleanor M.
Gross, Caroline L.
Pantzer, Eugene E.
Teague, Bert

Apple, Lowell D.
Hill, Michael
Shaw, Randall F.
West, George M.

Carter, Susan D.
Jacobson, Alf E.
Soldati, Jennifer

ROCKINGHAM

Bell, Juanita L.
Conroy, Janet M.
Hynes, Carolyn E.
MacKinnon, Nancy W.
Raynowska, Bernard J.
Schmidtchen, Rowland
Weddle, Michael R.

Campbell, Marilyn R.
Gage, Beverly A.
Katsakiores, George N.
McGovern, Cynthia A.
Ritzo, Eugene
Senter, Marilyn P.
Wells, Henry E.

Caswell, Albert, Jr.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
Popov, Elizabeth M.
Sanderson, Patricia O.
Vaughn, Charles L.

STRAFFORD

Bickford, Drucilla
Keans, Sandra B.
Merrill, Amanda A.
Scharff, Thomas E.
Wall, Janet G.

Burton, Wayne M.
Marston, Robert E.
O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

Gilmore, Gary R.
McCann, William H., Jr.
Pelley, Janet R.
Torr, Ralph W.

SULLIVAN

Burling, Peter Hoe

Harland, Jane A.

Stamatakis, Carol M.

NAYS 247**BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Locke, Matthew J.
Richardson, Lawrence
Ziegra, Alice S.

Bolduc, Dennis R.
Hawkins, Robert S.
Peters, Kenneth P.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Grodin, Richard A.
Laurent, John J.
Miller, Jeffrey C.
Perry, David M.
Young, David A.

Crutchley, Donald O.
Hunt, John B.
Matson, William R.
Morse, JoAnn T.
Pratt, Irene A.

Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
Eno, Larry E.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Dow, David O.
Hill, Richard L.
Markley, J. Keith
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.	Amidon, Eleanor H.	Barry, Vivian
Beaupre, Roland O.	Bicknell, Robert C.	Bourque, Ann J.
Bowers, Dorothy C.	Brady, Carolyn L.	Burkush, Peter A.
Cowenhoven, Garret P.	Cox, Gladys M.	Daigle, Robert A.
Desrochers, Gerard T.	Desrosiers, William J.	Dodge, Emma M.
Domaingue, Jacquelyn M.	Dyer, Merton S.	Eaton, Clyde S.
Fields, Dennis H.	Foote, Herbert N., Sr.	Frank, Nancy G.
Gagnon, Gabrielle V.	Genest, Fernand A.	Goulet, Maurice E.
Grip, Robert H.	Guilbert, Lionel	Healy, Daniel J.
Hultgren, David D.	Jasper, Shawn N.	Jean, Romeo W.
Jenkins, Mary	Keefe, Edmund M.	Kelley, Robert N.
King, John A.	Klose, John F.	Knight, Alice Tirrell
Kurk, Neal M.	Lachut, Ervin R.	Lawrence, Norman B.
Lefebvre, Roland J.	Mason, Howard F.	McCann, Bonnie Lou
McCarthy, Daniel M.	Messier, Irene M.	Morrisette, Roland A.
Murphy, Robert E.	Ouellette, Robert O.	Pappas, Toni
Pepino, Leo P.	Perham, Lester R.	Prestipino, Bartolo V.
Provost, Gilles R.	Riley, Frances L.	Rodgers, G. Philip
Sallada, Roland A.	Schneiderat, Catherine A.	Searles, Stanley N., Sr.
Smith, Leonard A.	Steiner, Lee Anne S.	Stiles, Walter A.
Tarpley, Nancy L.	Turgeon, Roland M.	Tyree, Paul M.
Upton, Barbara A.	Vanderlosk, Stanley R.	Wheeler, David K.
Wihby, Linda S.	Young, Willard N.	

MERRIMACK

Barberia, Richard A.	Bardsley, Elizabeth S.	Boucher, Laurent J.
Braiterman, Thea G.	Daneault, Gabriel	Dunn, Miriam D.
Fair, Patricia A.	Fillion, Paul R.	Hall, Douglas E.
Hayes, Robert C.	Holmes, Mary C.	Johnson, C. William
Kidder, William F.	Lewis, Mary Ann	Millard, Elizabeth S.
Nichols, Avis B.	Pfaff, Terence R.	Phelps, James D.
Smith, Gerald R.	Stio, Peter M.	Tolpin, Richard W.
Trombly, Rick A.	Whittemore, James A.	

ROCKINGHAM

Anderson, Carl F., III	Benton, Richardson D.	Boucher, William P.
Brown, Jeffrey M.	Brown, Lewis W.	Buco, Stephen W.
Campbell, Eunice M.	Cooke, Annette M.	Drake, Herbert R.
Dube, LeRoy S.	Felch, Charles H., Sr.	Fesh, Robert M.
Flanagan, Natalie S.	Flanders, Harry E.	Flanders, John W., Sr.
Ford, Bert H.	Forsythe, Douglas G.	Gage, Thomas U.
Gourdeau, Raymond H.	Greene, Elizabeth A.	Haynes, Richard L.
Hoar, John, Jr.	Hoelzel, Kathleen M.	Johnson, Robert A.
Kane, Cecelia D.	Katsakiores, Phyllis M.	King, Roger C.
Klemarczyk, Thaddeus E.	Klemm, Arthur P., Jr.	MacDonald, Maurice B.
Mace, Ada L.	Magoon, Harold F.	Malcolm, Kenneth W.
McCain, William F.	McKinney, Betsy	Palumbo, Vincent J., Jr.
Parr, Ednapearl F.	Parsons, Robert F.	Rosencrantz, James R.
Roulston, Donald L.	Seward, Russell G.	Sherburne, John L.

Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie

Sochalski, Matthew M.
Sytek, Donna P.
Warburton, Calvin

Splaine, John E., Sr.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Appleby, James E.
Callaghan, Robert J.
Flynn, Edward J.
Kincaid, William K.
Martling, W. Kent
Parks, Joe B.
Torr, Ann M.
Young, John B.

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
Meserve, John H.
Stewart, Glenn W.
Tsiros, William

Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Lachance, Douglas A.
Musler, George T.
Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Lucier, Edward A., Jr.
Peyron, Fredrik
and the motion lost.

Brodeur, Robert J.
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

Resolution adopted.

Rep. Hager wished to be recorded in favor of the motion.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, March 2 at 1:00 p.m.

Adopted.

LATE SESSION

Rep. Sytek, Chairman of the Committee on Ways and Means, offered a report on unrestricted revenues.

State of New Hampshire Ways and Means Committee Report To the House of Representatives
Estimates of Unrestricted Revenues by Fund Source

	FY 1988 Actual	FY 1989 Official Estimate	FY 1989 Revised Ways and Means Estimate	FY 1990 Ways and Means Estimate	FY 1991 Ways and Means Estimate
General Fund					
Beer	12,149,590	12,500,000	12,500,000	12,600,000	12,600,000
Board and Care	16,250,387	15,000,000	15,000,000	15,000,000	15,000,000
Business and Profits Tax	136,773,108	156,000,000	135,000,000	135,000,000	140,000,000
Estate and Legacy Taxes	21,159,440	18,000,000	24,000,000	25,000,000	25,000,000
Insurance	41,657,892	41,000,000	46,000,000	50,600,000	55,700,000
Interest and Dividends Tax	30,659,297	28,500,000	36,000,000	39,200,000	42,700,000
Liquor	50,099,820	51,000,000	52,000,000	54,000,000	55,800,000
Meals and Rooms Taxes	76,513,554	85,500,000	81,000,000	88,000,000	96,000,000
Parks Income	6,008,844	5,400,000	5,400,000	6,500,000	7,200,000
Dog Racing	8,824,497	9,000,000	9,000,000	9,000,000	9,000,000
Horse Racing	1,482,779	1,500,000	1,500,000	2,625,000	2,625,000
Real Estate Transfer Tax	34,567,831	37,000,000	30,000,000	32,400,000	36,200,000
Telephone	9,466,856	9,800,000	9,800,000	10,500,000	11,000,000
Cigarette Tax	31,722,289	30,500,000	31,000,000	30,400,000	29,800,000
Utilities	7,074,358	6,900,000	7,500,000	8,000,000	8,500,000
Other	29,447,365	34,500,000	30,000,000	31,000,000	31,500,000
Courts	20,210,307	21,000,000	23,000,000	25,300,000	27,830,000
Savings Bank Tax	8,781,831	8,000,000	9,500,000	10,500,000	11,600,000
Total	542,850,045	571,100,000	558,200,000	585,625,000	618,055,000
Highway Fund					
Gasoline Road Toll	85,501,551	89,000,000	89,000,000	91,600,000	95,200,000
Motor Vehicle Fees	47,253,816	48,000,000	47,000,000	49,900,000	51,400,000
Miscellaneous	7,360,319	3,600,000	9,000,000	9,700,000	10,100,000
Total	140,115,686	140,600,000	145,000,000	151,200,000	156,700,000
Fish and Game Fund					
Fish and Game Licenses	5,204,232	5,920,000	5,220,000	5,500,000	5,700,000
Fines and Penalties	69,981	60,000	60,000	70,000	70,000
Miscellaneous Sales	15,462	150,000	150,000	150,000	150,000
Indirect Costs	195,424	170,000	170,000	150,000	125,000
Total	5,624,099	6,300,000	5,600,000	5,870,000	6,045,000

LATE SESSION**Third reading and final passage**

HB 141, relative to liability for expenses.

HB 359, relative to statements of minors in civil cases.

HB 123, relative to the office of securities regulation.

HB 124, relative to the annual fee for issuers of open-end mutual funds and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers.

HB 369, relative to assumption of a town office after a recount.

HB 20, authorizing investigators to photograph hazardous waste sites.

HB 128, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations.

HB 146, relative to the milk standard.

HB 201, relative to protective custody of abused or neglected animals.

HCR 1, a resolution of support for northeastern regional cooperation in solid waste reduction, recycling and disposal.

HB 31, recodifying the laws pertaining to the elderly.

HB 60, relative to pronouncement of death by nurses.

HB 61, relative to accessibility of vital records.

HB 97, relative to eligibility for public assistance.

HB 98, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs.

HB 107, relative to food service licensure.

HB 155, relative to correcting an error in the March 10, 1987, Hooksett school district election ballot.

HB 197, to reclassify portions of certain highways in the town of Seabrook.

HB 246, relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next.

HB 247, relative to the transfer of funds for turnpikes from the general reserve account.

HB 36, relative to library records confidentiality.

HB 159, repealing certain railroad bridge requirements.

HB 185, clarifying the department of transportation's authority in maintaining and operating rail operations.

HB 239, relative to legalizing town meetings.

Rep. Chambers moved that the House stand in recess.

Adopted.

RECESS

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 100-A shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 100-A, making appropriations for capital improvements. (Phelps of Merrimack Dist. 1; Torr of Dist. 21 - To Public Works)

Rep. Prestipino moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Thursday, March 2, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

RECESS

The House assembled at 2:00 p.m.

Prayer was offered by Rev. Dawn Berry.

Eternal God, we pause to remember Norris Cotton, former Speaker of the House, United States Senator, dedicated public servant, and friend of New Hampshire. We give You thanks for his life and all that he was by nature and grace.

As the work of this legislative session begins, may the commitment of Norris Cotton to public service inspire these lawmakers in their concern for the well-being of the people of this state. May his legacy remind these lawmakers of the reach today's discussions and decisions will have in the days and years to come. And, may the state's gratitude for his public service prompt our appreciation for the ongoing work of these state representatives.

Bless those gathered here. Give them the foresight, compassion, and humor needed to serve. Amen.

Rep. Vivian Barry led the House in the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Julie Brown, Janet Barry, Clyde Eaton, Hoar, Manus, Simon, Russell Chase, Parks, Cote and Daniel McCarthy, the day, illness.

Reps. Lionel Boucher, Bourque, Callaghan, Emerton, Nancy Ford, Hatch, Jasper, Jones, Lachance, Rodgers, Pierce, Stamatakis and Peters, the day, important business.

Rep. Bell, the day, death in the family.

Reps. Beaupre, Arthur Dodge, Lozeau, Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Thomas Christo of Hampton, guest of Rep. David Young; Gail and Peggy Weston of Londonderry, guests of Rep. Sochalski; Thomas B. Lacy, guest of Rep. Crutchley; Priscilla Brown, wife of Rep. Brown; former Reps. Emma and Kenneth Wheeler of Milford, guests of Rep. David Wheeler; Edward Pope of Thornton, guest of Rep. Eno; James Seavey, President of Tanglewood Tenants Association, guest of Rep. Doucette; University of New Hampshire students: Nancy Valerio, Vice President of the Coalition for the Homeless, Michael Rosie, University of New Hampshire Student Body Vice President, Andrew Gamble, member of the University System Board of Trustees Academic Affairs Council, guests of Rep. Burton.

Pursuant to House rule 40(c), Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 762 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 762-A, making supplemental appropriations for fiscal year 1989. (Kidder of Merrimack Dist. 2 - To Appropriations)

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 67, 136, 156, 164 and 173 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 67, relative to regulation of excavation of sand, gravel and construction aggregate. (Environment and Agriculture)

SB 136-FN, prohibiting abortions performed on certain minors without parental consent. (Children, Youth and Juvenile Justice)

SB 156-FN, relative to refuse disposal. (Environment and Agriculture)

SB 164-FN, relative to licensing ophthalmic dispensers. (Health, Human Services and Elderly Affairs)

SB 173, adopting uniform commercial code article 2A leases. (Commerce, Small Business and Consumer Affairs)

EXTENSIONS

The Committee on Resources, Recreation and Development requested a three-legislative-day extension on HB 149, relative to operational permits for public water systems.

Granted.

The Committee on Children, Youth and Juvenile Justice requested a three-legislative-day extension on HB 262, establishing a study committee on liability for expenses for children in need of services.

Granted.

COMMITTEE REPORTS**(Consent Calendar)**

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 418-FN-A, relative to drug, alcohol and AIDS counselors at Hampton Beach and Weirs Beach and making an appropriation therefor, was removed at the request of Rep. Weddle.

HB 175, relative to bail commissioner's fees, was removed at the request of Rep. Thomas Gage.

HB 312-FN, requiring warning labels on war toys, was removed at the request of Rep. O'Brien.

Adopted.

HB 140-FN, relative to delinquent children and children in need of services. Ought to Pass with Amendment.

This would create a new method ordered by the court for the detention of delinquent children by utilizing their home or a sheltered care facility. Currently, they must be remanded to the Youth Development Center. This would create a reduction in state expenditure of \$187,000. Vote 12-0. Rep. Annette M. Cooke for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 169-B:2, V-a as inserted by section 1 of the bill by replacing it with the following:

V-a. "Home detention" means court-ordered confinement of a minor with his parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

Amend RSA 169-D:2, VII as inserted by section 5 of the bill by replacing it with the following:

VII. "Home detention" means court-ordered confinement of a minor with his parents or other specified home for 24 hours a day unless otherwise prescribed by written court order, under which the minor is permitted out of the residence only at such hours and in the company of persons specified in the court order establishing the home detention.

Amend the bill by replacing section 6 with the following:

6 Revision of Definition of Child in Need of Services. Amend RSA 169-D:2, IV to read as follows:

IV. "Child in need of services" means a child who *is under the age of 18 and who is expressly found to be*:

(a) [Being] Subject to compulsory school attendance, *and who* is habitually, *willfully*, and without good and sufficient cause, truant from school; or

(b) A *child who* habitually runs away from home, or otherwise repeatedly disregards the reasonable and lawful commands of his parents, guardian or custodian; *or*

(c) A *child who* has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or by law of a city or town.

[(d)] *Only if an express finding has been made of* [If] any one of the foregoing, a *child who* is also expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

AMENDED ANALYSIS

This bill makes several changes relative to delinquent children and children in need of services. The term "child in need of services" is redefined to include a child who is willfully truant from school. Currently, the mental state of the truant child is not specified.

The bill creates a new method of court-ordered detention for delinquent children and CHINS which confines the child to his home or other specified home for 24 hours

a day. The bill also adds to laws relative to delinquent children and CHINS a specific definition of restitution by the juvenile offender and adds uncompensated public service by the delinquent child as another possible disposition by the court.

Also included in the bill is the extension of the penalty of contempt of court to the parent or parents of a child in need of services for refusal to participate in the court-ordered disposition of the case. Currently only the child is subject to contempt of court. The bill provides that children who are found guilty of contempt may be immediately detained in home detention or a shelter care facility. Under current law, they may be remanded only to the youth development center.

The bill also repeals a requirement for certain reports by the courts on delinquents. The bill was requested by the division for children and youth services.

HB 416-FN-A, establishing a study committee to examine laws relative to children in abuse or neglect cases and making an appropriation therefor. Re-refer to Committee.

This bill establishes a study committee to examine laws relative to children in abuse or neglect cases. HB 262, discussing the same subject, was heard in Committee and is subject to further hearings. The Committee wanted to hold off voting on HB 416 until all the facts were heard. Vote 15-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

HB 455-FN, relative to appeals in child abuse or neglect cases. Ought to Pass.

House Bill 455 allows a dismissal of a petition for abuse or neglect by the District Court to be considered a final dispositional order, thus allowing the dismissal to be appealed to the Superior Court. The Committee felt it is important that children have the right to an appeal if an abuse or neglect petition has been dismissed. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

HB 507-FN, relative to child care. Ought to Pass.

This bill is a declaration of support for family-based day care. It encourages the support of municipal planning and zoning regulations in fair and reasonable treatment of such facilities. The contribution of family day care in relieving working parent problems is well established in the state's economy and closely parallels actual home conditions and should not be discouraged by laws and powers to the contrary. The bill has no fiscal impact on state, county or local revenues or expenditures. Vote 10-1. Rep. Stanley N. Searles, Sr. for Children, Youth and Juvenile Justice.

HB 522-FN, to establish a committee to study the qualifications for bus drivers of special education children. Inexpedient to Legislate.

This bill requests the establishment of a study committee. The Committee agrees that the subject matter does deserve attention. In lieu of the bill's passage, Reps. Lionel Johnson and Douglas Forsythe have been appointed to work with the New Hampshire School Transportation Association which has indicated willingness to work on this matter. The Children, Youth and Juvenile Justice Committee will assume the responsibility for this study. Vote 14-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 153, giving certain property lessee's associations a right of first refusal when land is sold. Inexpedient to Legislate.

This bill would grant an association of camp owners a right of first refusal to purchase the land upon which the camps are built when their land is to be sold. The sponsor of this bill agrees with the Committee in that this bill, which is patterned after

legislation dealing with manufactured housing parks, is not applicable. The model housing parks legislation maintains no right of first refusal, only that an offer will be considered. Vote 15-0. Rep. Paul L. Drolet for Commerce, Small Business and Consumer Affairs.

HB 255-FN, establishing a legislative study committee on Medicare reimbursements. Inexpedient to Legislate.

The Committee shares many of the concerns raised by the sponsor about Medicare reimbursement. For many elderly, it is a hardship to pay the difference between what Medicare pays and what is charged for health care services. It is often a surprise to the elderly that they must pay since they assumed that Medicare would take care of the bills. Medicare is a complex system that has been and is being studied and revised on an ongoing basis. Even though the Committee shares the sponsor's concerns, this is a federal matter and one that a New Hampshire study committee cannot have a great impact on. Vote 12-1. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

HB 229-FN, creating a committee to study political party organization. Inexpedient to Legislate.

The Committee feels that the aim of the bill, greater voter participation within political parties, is best handled by the initiative of the political parties, not by the establishment of a legislative committee. Vote 9-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HB 230, relative to electing Belknap county commissioners. Inexpedient to Legislate.

The Committee feels it is better to wait until the next census as the district lines may change. Vote 9-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 501, relative to a column on the general election and primary ballots for write-in candidates. Inexpedient to Legislate.

This bill was submitted as a courtesy for a constituent. The representative had other business - appeared ahead of time and indicated the constituent would appear. He did not. A friend appeared - submitted a card both for and against the bill. Vote 9-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

HB 135-FN, relative to school administration. Ought to Pass with Amendment.

This bill changes various provisions of unnecessary or obsolete laws in order to comply with federal laws relative to National Defense Education Aid, Vocational Education, the Board of Nurse Examiners, the Higher Education Loan Program, and other educational programs. The amendment also removes the sections related to school superintendents salaries. Vote 17-0. Rep. Robert H. Guest for Education.

Amendment

Amend the bill by deleting section 2 and renumbering section 3-4 to read as 2, 3 respectively.

AMENDED ANALYSIS

This bill changes various provisions of laws relative to education, including specifically including the area of vocational rehabilitation within the rulemaking authority of the board of education necessary for establishing compliance with federal law.

The bill also repeals laws relative to national defense education aid, vocational education, the board of nurse examiners, the higher education loan program, and funding of education programs.

The bill was requested by the department of education.

HB 137-FN-A, relative to an educational resources and learning center and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt that an educational resources and learning center was a great idea, but that under the current fiscal restraints of the state it would be unwise to pass this bill and start a new program. The fiscal note calls for state expenditures of \$250,000 in FY90 and \$250,000 in FY91. Vote 16-0. Rep. Dennis R. Bolduc for Education.

HB 156, relative to transferring academic credits between the university and post-secondary vocational-technical education systems. Inexpedient to Legislate.

It was the feeling of the Committee that the transferring of credits cannot be legislated. There is renewed cooperation between the University System and Postsecondary Vocational-Technical Education System to look into the present problem and come up with viable solutions. Vote 17-0. Rep. Dennis R. Bolduc for Education.

HB 226-A, relative to state-issued bonds for college tuition. Ought to Pass with Amendment.

The Committee on Education voted unanimously to take the first step in establishing a college savings bond program to help New Hampshire families pay for postsecondary education. The amendment deals with the composition of the Advisory Committee that will implement this new program. Vote 15-0. Rep. Linda D. Long for Education.

Amendment

Amend the bill by replacing section 3 with the following:

3 Advisory Committee Established; College Savings Plan Developed; Report.

I. There is established a family college savings plan advisory committee which shall consist of the state treasurer; 2 members of the house, appointed by the speaker of the house of representatives; 2 members of the senate, appointed by the president; the governor or his designee; 3 public members appointed by the governor; one representative of the university system of New Hampshire, appointed by the chancellor of the university system; one representative of the department of postsecondary vocational-technical education, appointed by the commissioner of the department; and one representative of the postsecondary education commission, appointed by the executive director of the commission. The first meeting of the committee shall be called by the governor or his designee and shall be held no later than August 15, 1989. The chair of the committee shall be chosen by the members at the first meeting.

II. The committee shall develop and submit to the governor, the president of the senate and the speaker of the house of representatives for review a plan of implementation for the initial issue and sale of college savings bonds on or before August 1, 1990, unless otherwise determined by the state treasurer. Such plan shall include:

(a) Advertising to inform the public about the availability of college savings bonds.

(b) Marketing and financing of the initial issue and sale.

(c) The specific increments, maturities and denominations in which to market the bonds in order to make the bonds affordable and funds available at the time when such funds are needed to meet higher education costs.

(d) Financial incentives which might be provided, including but not limited to a supplemental grant payment to be applied to tuition and other direct costs at institutions of higher education in the state, which shall include any constituent unit of the state system of postsecondary education under RSA 187-A or 188-F, or any private postsecondary educational institution in the state.

(e) The feasibility of exempting from the determination of eligibility for state student financial aid some portion of the contributions toward the purchase of college savings bonds or some portion of the value of the bonds and interest at maturity.

(f) Limits on the total value of college savings bonds which may be purchased by individuals or families.

(g) The feasibility of staggered or periodic forms of payment for the purchase of college savings bonds, including but not limited to payroll deductions.

(h) The feasibility of any alternative financing of college savings bonds.

(i) The estimated cost of financing and administering the family college savings plan.

(j) Ongoing administrative authority and responsibility for the family college savings plan.

III. Within 6 months following the initial issue and sale of college savings bonds pursuant to this act, the committee shall report to the governor, the president of the senate and the speaker of the house of representatives on an evaluation of the family college savings plan and recommendations for legislation, if needed, for improvements in the plan.

Referred to Appropriations.

HB 282-FN, relative to liability for certain regional vocational education costs. Inexpedient to Legislate.

After discussion with the Commissioner of Education, the Committee discovered that this can be accomplished through administrative rulemaking and there is no need to consider this bill in the legislative process. Vote 14-0. Rep. Douglas A. Lachance for Education.

HB 308-FN-A, establishing a data collection unit within the postsecondary education commission and making an appropriation therefor. Inexpedient to Legislate.

The cost of this bill is not in the best interest of the State of New Hampshire considering the fiscal problems we are facing. Also, this data gathering book may be overlapping information already supplied by the respective postsecondary institutions. The Committee sympathizes with the Postsecondary Education Commission relative to updating and publishing data from 1982 to the present with information on available postsecondary education facilities within our state. Fiscal Note calls for state expenditures of \$35,000 in FY90 and \$35,000 in FY91. Vote 14-0. Rep. John J. Laurent for Education.

HB 379-FN-A, relative to stipends for social science and humanities teachers to participate in summer training programs and making an appropriation therefor. Inexpedient to Legislate.

With the current budget crisis, the Committee feels it needs to set priorities in the funding of proposed legislation. Though, the Committee finds HB 379 a worthwhile endeavor, it cannot support its passage at this time. The Committee also believes that the stipends that the bill calls for could be provided through the local school budget and not through the state budget. Vote 15-0. Rep. Dennis R. Bolduc for Education.

HB 400-FN-A, relative to distributing sweepstakes funds and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels that distribution of the Sweepstakes portion of Foundation Aid, without some guarantee of the appropriation of the General Fund portion, is clearly against the stated intent of the Augenblick Formula to offer equal educational opportunity to all areas of the state. Vote 15-0. Rep. Nils H. Larson for Education.

HB 19, regarding the use of the hazardous waste cleanup fund. Ought to Pass with Amendment.

The Division of Waste Management is doing the job of investigating for enforcement of all hazardous waste complaints coming to it. Currently, enforcement work is being done by staff employed for other purposes and the costs of investigation are borne by the Division's operating budget while the financial benefit derived from this action and successful prosecution accrues to the Hazardous Waste Cleanup Fund. In this bill, the Division of Waste Management asks that it be allowed to develop a section of its organization dedicated to the purpose herein outlined and draw funds to support the function with funds drawn from the Hazardous Waste Cleanup Fund. The Committee agrees by a vote of 18-0, but the amendment limits expenditures to \$75,000 for each year of the biennium (FY90 and FY91). Rep. George T. Musler for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 Purpose. Amend RSA 147-B:6, IV to read as follows:

IV. The division of waste management may use up to \$75,000 per year from [moneys in] the fund to pay for administrative *and enforcement* costs associated with the fund.

AMENDED ANALYSIS

This bill permits funds in the hazardous waste cleanup fund to be used for enforcement costs in addition to the administrative costs currently covered. The bill authorizes the division to use up to \$75,000 per year for such purposes.

This bill is the request of the division of waste management.

HB 525, relative to prohibited excavation projects. Inexpedient to Legislate.

No one showed up to explain the necessity of establishing a foot limitation above the water table below which excavation could not take place. It appears to be an arbitrary number and unnecessary in view of existing environmental rules established by the Department of Environmental Services and the requirements and prohibitions of RSA 155-E:3&4. Vote 19-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 586-FN, relative to siting and permitting of solid and hazardous waste disposal facilities. Ought to Pass.

This bill requires the Division of Waste Management to hold public hearings on an application to transfer the permit to operate a solid or hazardous waste disposal facility and to notify abutters of this hearing. Vote 19-0. Rep. Betty B. Hall for Environment and Agriculture.

HB 39, relative to the distribution of OHRV fees. Ought to Pass with Amendment.

This bill removes the 15% restriction on Fish and Game registration income. It leaves dollar allocations the same as prior allocations. The 15% restriction is removed so that Fish and Game can allocate dollars it needs from its gross share, not out of the

DRED share. No fiscal impact. Vote 14-0. Rep. Miriam M. Dunn for Executive Departments and Administration.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 Registration Fees. RSA 215-A:23, V is repealed and reenacted to read as follows:
V. From each fee collected:

(a) The first \$4 shall be appropriated to the department of resources and economic development for administration of the bureau as follows:

(1) Three dollars shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. Grants-in-aid shall be granted to organized nonprofit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV.

(2) One dollar shall be used by the bureau for the sole purpose of purchasing large track type OHRV groomers. These funds shall be kept in a separate account and shall not be used for any other purpose, and shall be appropriated for this purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

(b) Forty-five percent of the balance after the deductions authorized in subparagraph (a) shall be appropriated to the department of resources and economic development for administration of the bureau for the following:

(1) Publications.

(2) Trails.

(3) Easements and rights-of-way.

(4) OHRV facilities.

(5) Such other purposes as may be budgeted within the limits of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

(c) Fifty-five percent of the balance after the deductions authorized in subparagraph (a) shall be appropriated to the fish and game department for the following:

(1) Enforcement of the provisions of RSA 215-A.

(2) Establishment of training programs in the operation, safety, regulation, equipment maintenance and other related matters pertaining to OHRVs.

(3) Law enforcement under this chapter, which shall be the responsibility of the executive director.

(4) OHRV registration.

(5) Such other purposes as may be budgeted within the limitation of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year.

Referred to Appropriations.

HB 78-FN, requiring correctional line personnel to have major responsibility for security for group II retirement purposes. Ought to Pass.

This bill adds the single word "major" to responsibility for security in the definition that makes state correctional line personnel "permanent policemen" for purposes of group II membership, and again for county correctional line personnel. This addition will help to clarify the meaning of the security responsibility requirement. The bill was requested by the Department of Corrections and supported by the Director of Personnel. There is no fiscal impact. Vote 19-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Referred to Appropriations.

HB 106-FN, transferring regulation of crematories from the division of public health services to the board of registration of funeral directors and embalmers. Inexpedient to Legislate.

The Committee feels the transfer of authority from the state to the Funeral Directors Board would not be in the best interests of the general public. Vote 14-0. Rep. Beverly A. Gage for Executive Departments and Administration.

HB 113-FN, to define certain police trainers as permanent policemen for retirement system purposes. Ought to Pass with Amendment.

This bill permits a police officer with 10 years Group II service to stay in Group II if he takes a police training job with the Police Standards and Training Council. It also permits existing police trainers, now in Group I, to transfer to Group II (there are four). They would receive split benefits on retirement. The amendment deletes an unnecessary provision permitting buy-in to convert past Group I service to Group II. The bill is similar to one that passed both houses in 1987, but was vetoed by the Governor. The cost to the state, comparing the employer contribution rate for Group II policemen plus the Medicare portion of Social Security with the employer rate for Group I employees plus full Social Security, is about 1% of the total pay of the persons affected in FY90 and 2% in FY91. Vote 19-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 2 with the following:

2 Existing Employees. Any permanent police officer certified under RSA 188-F:22-30 as a full-time police officer with prior group II service who as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education and training and is employed in group I as a law enforcement training specialist with the police standards and training council on the effective date of this act shall be transferred to group II, and his benefits upon retirement shall be determined as the sum of the retirement allowances with respect to the period of creditable service in each such classification, as provided in RSA 100-A:19-a through 19-h.

Referred to Appropriations.

HB 120-FN, increasing the amount available for suggestion and incentive awards to state employees. Ought to Pass.

This bill increases the total amount available each year for suggestions and incentive awards to state employees from \$5,000 to \$10,000. The bill was requested by the

Division of Personnel. Vote 14-0. Rep. Randall F. Shaw for Executive Departments and Administration.

Referred to Appropriations.

HB 126-FN, relative to salaries in the department of environmental services. Inexpedient to Legislate.

The Committee agrees with the request to withdraw HB 126. This subject will be covered under HB 350-FN, relative to the unclassified personnel system. Vote 16-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 368-FN-A, relative to the commission on the status of women and the board of registration in medicine and making an appropriation therefor. Inexpedient to Legislate.

This subject will be covered under HB 250 relative to the classified personnel system. Vote 12-2. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 186-FN, allowing free hunting and fishing licenses for residents suffering from certain handicaps. Ought to Pass with Amendment.

This bill as amended allows resident permanently handicapped people to be eligible for a complimentary license that only non-residents currently qualify for. The amendment further allows for the permanently disabled veterans under RSA 214:13 [veterans] to be eligible for reciprocity in other states. There is no fiscal impact. Vote 16-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 214:13-c as inserted by section 1 of the bill by replacing it with the following:

214:13-c Complimentary Licenses For Certain Persons. The executive director shall issue upon application complimentary resident hunting and fishing licenses to a person who is both a resident of this state and is either suffering from paraplegia or is suffering from the permanent loss of, or the permanent loss of the use of, both lower extremities. The executive director shall determine the form of such complimentary licenses. All such licenses shall be consecutively numbered. The fish and game commission shall periodically review the total issue of such complimentary licenses and, on or before January 15 each year, submit a complete list to the chairman of the house fish and game committee and the chairman of the senate development, recreational and environment committee, containing the names and legal residences of all persons to whom such complimentary licenses have been issued. A license issued under this section shall be effective for the lifetime of the applicant unless sooner suspended or revoked by the executive director.

Amend section 2 of the bill by replacing it with the following:

2 Reciprocity. Amend RSA 214:13-b to read as follows:

214:13-b Reciprocity; Nonresident Licenses; Certain Persons. The executive director may issue upon application complimentary nonresident hunting and fishing licenses to a person from another state who is suffering from paraplegia or who is suffering from the loss of, or the loss of the use of, both lower extremities, *or is a totally and permanently disabled veteran, who would be eligible if a resident under RSA 214:13*, if the state in which said person is a resident provides a reciprocal

privilege for residents of this state who are similarly suffering. The executive director shall determine the form of such complimentary licenses. All such licenses shall be consecutively numbered. A license issued under this section shall be effective for the lifetime of the applicant unless sooner suspended or revoked by the executive director.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits the executive director of the department of fish and game to issue complimentary hunting and fishing licenses to residents of this state who are suffering from paraplegia, or the permanent loss of, or the permanent loss of the use of, both lower extremities. Current law authorizes such licenses for nonresidents only.

The bill further authorizes the executive director to issue hunting and fishing licenses on a reciprocal basis to totally and permanently disabled veterans, if qualified.

HB 272-FN, relative to Pike's school in Haverhill, New Hampshire. Ought to Pass.

This bill adds the Pike School to the list of institutions that are eligible for a free fishing license on a day-to-day basis, as authorized under RSA 214:14-a. Vote 12-0. Rep. William P. Boucher for Fish and Game.

HB 351, relative to special permits for the use of crossbows by physically handicapped persons. Ought to Pass with Amendment.

Current law allows the use of a crossbow by certain physically impaired people with shoulder/arm involvement. The bill allows expansion of this provision and the amendment adds "permanency" to the eligibility requirements. No opposition to the bill as amended. Vote 13-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend RSA 207:10-c, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding the provisions of RSA 207:10 or RSA 208:6, a special permit may be issued to a person so physically impaired that he has lost one or more hands *or totally and permanently lost the use of one or more hands* and cannot operate a conventional longbow or compound bow. Such permit shall allow that person to take one deer during bow and arrow hunting season, one bear during the specified season and carp from Mascoma lake pursuant to RSA 211:2. The permit applicant shall appear before the executive director or his designee and demonstrate his ability to use a crossbow. *The executive director shall determine the eligibility of the applicant, and the executive director's decision shall be final.*

HB 53, relative to syringes for diabetics. Ought to Pass with Amendment.

This legislation will allow persons who need hypodermic syringes to have them for a year versus the current law of six months. The amendment makes other changes in RSA 318; due to those who need vitamin shots, etc. This bill does not allow the use of controlled drugs with syringes. Insulin is not a controlled drug. HB 53 also adds the words "oral prescription" as well as written. Vote 16-0. Rep. Lawrence A. Chase for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Deletion. Amend RSA 318:52-b to read as follows:

318:52-b Destruction of Used Instruments. It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of

[controlled] drugs to dispose of or discard any such instrument without first making the instrument inoperable for further use.

2 Reference Deletion; Oral Prescription Added. Amend RSA 318:52-c to read as follows:

318:52-c Sale of Hypodermic Syringe. Hypodermic syringes, needles or any instrument adapted for the administration of [controlled] drugs by injection shall not be sold except in registered pharmacies. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, nurse, podiatrist, pharmacist, or embalmer, or a hospital, sanitarium, clinical laboratory or any other medical institution or a state or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the administration of [controlled] drugs by injection without the written *or oral* prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed and the number of instruments prescribed.

3 Reference Deletion; Time Period Extended. Amend RSA 318:52-d to read as follows:

318:52-d Recording and Filing of Prescription. Every person who [disposes of] *dispenses*, sells, furnishes, or gives away a hypodermic syringe or hypodermic needle or an instrument adapted for the administration of [controlled] drugs by injection, upon the written *or oral* prescription of a duly licensed practitioner, shall record over his signature the date of sale or furnishing of the instrument and the number of instruments sold. This prescription shall be retained on file for a period of 4 years and shall be open to inspection by any public officer or employee engaged in the enforcement of RSA 318 *or* 318-B. A prescription filled in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the administration of [controlled] drugs by injection to the person to whom the prescription was issued for a period of [6 months] *one year* from the date of its original issuance.

4 Reference Deletion; Oral Prescription Added. Amend RSA 318:52-e to read as follows:

318:52-e Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited. No person shall have under his control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of [controlled] drugs by injection, except a duly licensed physician, dentist, nurse, pharmacist, podiatrist, veterinarian, embalmer, a manufacturer or dealer in embalming supplies, registered wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his official duties, paramedical personnel acting under the direction of a physician or dentist, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, a carrier or messenger engaged in the transportation of such articles during the official performance of his duties, or a person who has received a written *or oral* prescription issued under RSA 318:52-c. For the purpose of this subdivision, no such prescription shall be valid which has been outstanding for more than [6 months] *one year*. Provided, however, that the industrial use of hypoder-

mic syringes, needles or instruments in any manufacturing process not utilizing [controlled] drugs shall not be prohibited, so long as such use is under the proper supervision of a designated person or persons; and such hypodermic syringes, needles or instruments may be purchased for such use from a registered drug store without a written *or oral* prescription issued under RSA 318:52-c.

5 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill authorizes registered pharmacies to dispense hypodermic syringes, needles or any instrument adapted for the administration of drugs by injection on an oral prescription by a licensed physician.

The bill also extends the life of an oral or written prescription for such instruments from 6 months to one year.

HB 101-FN, relative to budgetary transfer authority of the department of health and human services. Ought to Pass with Amendment.

This bill provides that during the biennium ending June 30, 1991 the Commissioner of Health and Human Services is authorized with the prior approval of the Governor and Council to make transfers within the department's Mental Health and Developmental Services Program appropriation unit as he/she shall deem necessary or appropriate to most effectively meet the priorities and goals of the Mental Health and Developmental Services System. There was an oversight and this is needed because someone from the Legislature must determine where transfer of funds is most needed. There is no fiscal impact, as the money is in the budget. Vote 16-0. Rep. Alice Tirrell Knight for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Extension of Authority; Name Change. Authority to Transfer. Notwithstanding any other provision of law, including the provisions of RSA 99:4 and RSA 9:17-a through 17-c or any general transfer authority for departments as defined in RSA 9:1 provided in the general appropriations bill or other law, during the biennium ending June 30, 1991, the commissioner of health and human services is hereby authorized, with the prior approval of the fiscal committee and governor and council, to make such transfers within the department's program appropriation unit including its components, subcomponents, and classes within the department of health and human services, division of mental health and developmental services, including division of mental health and developmental services central office, Laconia developmental services, New Hampshire hospital, and Glencliff home for the elderly, as he shall deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system, and the provisions of RSA 99:4 and RSA 9:17-c shall not apply to such program appropriation unit.

2 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill provides that, during the biennium ending June 30, 1991, the commissioner of health and human services is authorized, with the prior approval of the fiscal committee and governor and council, to make such transfers within the department's mental health and developmental services program appropriation unit as he shall

deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system.

This bill was requested by the department of health and human services.

HB 253-FN, relative to compensation for guardians of incapacitated persons or estates of incapacitated persons. Inexpedient to Legislate.

This bill is not clear in many areas. It calls for guardians to be paid at the rate of \$25 per hour. However, it is not clear for what time period this is to be paid, or who is to pay the bill. There was no testimony that stated that the courts are not currently allowing reasonable compensation for a guardian's services when properly documented. Fiscal Note calls for state expenditures of \$200,000 - \$300,000 annually. Vote 15-0. Rep. Shawn N. Jasper for Judiciary.

HB 276-FN, relative to the penalty for assaulting a law enforcement officer. Inexpedient to Legislate.

The Committee feels the state has sufficient statutes to deal with assault on a police officer. Also, it feels that adding a 30-day mandatory sentence of either jail time or community service is unnecessary. Vote 15-0. Rep. Donnalee M. Lozeau for Judiciary.

HB 321-FN, increasing bail commissioners' fees. Inexpedient to Legislate.

This matter has been covered under HB 175. Vote 15-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 348-FN, establishing a committee to study damages from construction. Refer to Committee.

The Committee does not feel that a study committee is warranted in this area. The Committee wishes to keep this bill for further study to allow the proponents, who presented a wealth of information, to formulate a substantive proposal on damages from construction for possible airing in the 1990 Session. Vote 15-0. Rep. Thomas U. Gage for Judiciary.

HB 367, relative to damages for wrongful death. Ought to Pass with Amendment.

This bill allows consortium recovery for the widow or widower of a decedent in a wrongful death case. It also allows a limited noneconomic recovery to other dependent relatives in such cases and increases the recovery allowed in cases where there are no dependent family members. This is not inconsistent with the 1986 Tort Reform Act because these noneconomic damages will still be subject to the cap enacted at that time. The amendment corrects a drafting error. Vote 16-0. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend RSA 556:12 as inserted by section 1 of the bill by replacing it with the following:

556:12 Damages for Wrongful Death[.]; Elements. *Except as limited by RSA 508:4-d*, if the administrator of the deceased party is plaintiff, and the death of such party was caused by the injury complained of in the action, the mental and physical pain suffered by the deceased in consequence of the injury, the reasonable expenses occasioned to [his] *the decedent's* estate by the injury, the probable duration of [his] *the decedent's* life but for the injury, and [his] *the decedent's* capacity to earn money during [his] *the decedent's* probable working life, may be considered as elements of damage in connection with other elements allowed by law, in the same manner as if

the deceased had survived. *In addition, if the decedent has left either a widow or widower, the fair monetary value of services, protection, care, assistance, society, companionship, comfort, guidance, counsel and advice of the decedent to such person, may be considered as an additional element of damage. If the decedent has left either a child, father, mother, or any relative dependent on the plaintiff's decedent, the fair monetary value of the services, care and assistance of the decedent to such person or persons may be considered as an additional element of damage.*

HB 164, relative to the size of bargaining units. Inexpedient to Legislate.

In the wisdom of the Committee, it reports this bill to the House as Inexpedient to Legislate. The Committee felt that this bill would hinder small towns in preparing their budgets for voter approval due to the lengthy process of negotiations. Also, some members of the Committee felt that the people affected by this bill already have the adequate means necessary to bargain individually. Vote 11-2. Rep. David A. Pierce for Labor, Industrial and Rehabilitative Services.

HB 219-FN, relative to filing deeds and instruments with the register of deeds. Ought to Pass with Amendment.

House Bill 219 gives counties increased income which the Committee felt was justified at this time. The possible increased amounts are as follows: Belknap County, \$50,000; Carroll County, \$57,000; Cheshire County, \$45,000; Coos County, \$15,000; Grafton County, \$84,000; Hillsborough County, \$150,000; Merrimack County, \$75,000; Rockingham County, \$150,000; Strafford County, \$69,000; Sullivan County, \$32,000. The bill also gives the Register of Deeds the authority to determine the reproductibility of any document. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 478:4-a, II as inserted by section 1 of the bill by replacing it with the following:

II. All documents shall be suitable for reproduction as determined by the register of deeds, who shall provide guidelines concerning document quality.

AMENDED ANALYSIS

This bill requires that all filed deeds be in a form which is suitable for reproduction as determined by the register of deeds.

This bill also increases the fees for recording deeds, plans and security interests.

HB 232, relative to authorizing the prepayment of taxes. Ought to Pass with Amendment.

This bill authorizes the governing body, (board of selectmen or town council) to vote to allow prepayment of property taxes. This is an extremely valuable provision in case of property revaluation. Further, the amendment allows the tax collector to accept payments in any amount of whole dollars. Testimony indicated that this provision would be extremely useful for payments based on buyer and seller agreements. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by replacing section 1 with the following:

1 Prepayment of Taxes. Amend RSA 80:52-a to read as follows:

80:52-a Prepayment. Any town by vote [at a town meeting under a proper article in the warrant] *of the board of selectmen or the town council* and any city by vote of its

governing board may authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. If a town or city so votes, any person, firm or corporation owning taxable property on April [first] *I* may, after April [first] *I* and before notice of the amount of taxes assessed against said property for that year has been received, make payments on account of such taxes in [sums of not less than \$10, or in any sum divisible by \$10] *whole dollars* and the collector shall receive such payments and give a receipt therefor and credit the amounts paid toward the amount of the taxes eventually assessed against said property. In any town or city which shall vote to authorize the prepayment of taxes the collector of taxes shall give such bond in the form and amount which the commissioner of revenue administration shall require, and he shall pay over all sums so received to the town treasurer under the provisions of RSA 41:35.

AMENDED ANALYSIS

This bill authorizes the board of selectmen or the town council, rather than the town meeting, to approve the prepayment of taxes under RSA 80:52-a. Prepayments are to be made in whole dollars, rather than in sums of not less than \$10, or in sums divisible by \$10 as current law provides.

HB 259-FN, permitting selectmen to set fees. Ought to Pass with Amendment.

House Bill 259-FN enables the legislative body to empower the governing body to set or adjust certain fees and charges after public hearing. All testimony was in favor. The amendment makes it clear that impact fees are not included in this authorization. Vote 17-0. Rep. Carl S. Adams for Municipal and County Government.

Amendment

Amend RSA 41:9-a as inserted by section 1 of the bill by replacing it with the following:

41:9-a Establishment of Fees.

I. A town may, by majority vote at any annual or special meeting, authorize the board of selectmen to establish or amend fees, as provided in this section. Such a vote shall continue in effect until rescinded.

II. Following such vote, the board of selectmen, without further vote of the town, may establish or amend fees or charges for the following purposes:

(a) The issuance of any license or permit which is part of a regulatory program which has been established by vote of the town.

(b) The use or occupancy of any public revenue-producing facility, as defined in RSA 33-B:1, VI, the establishment of which has been authorized by vote of the town.

III. Such fees or charges shall not exceed, in the case of licenses or permits, an amount reasonably calculated to cover the town's regulatory, administrative and enforcement costs.

IV. Prior to the establishment or amendment of any such fees, the selectmen shall hold a public hearing, notice for which shall be given at least 7 days prior to the hearing by posting in 2 public places in the town and by publication in a newspaper of general circulation in the town. The notice shall include the proposed schedule of fees.

V. This section shall not be deemed to prohibit a town from delegating authority over specific fees to another official or official body of the town. This section shall not supersede other provisions of law concerning the establishment or amount of specific types of fees.

AMENDED ANALYSIS

This bill authorizes a town, by majority vote, to allow the board of selectmen to establish or amend fees for licenses or permits or for the use or occupancy of any public revenue-producing facility. The bill also requires that a hearing be held before establishing or amending fees.

HB 569-FN, to regulate drivers at motor vehicle race tracks. Inexpedient to Legislate.

House Bill 569 is largely unnecessary. The operators of motor vehicle race tracks in New Hampshire have rules and regulations, as to the conduct of racing at each track, enforced by the track officials and track-employed police officers. Drivers who have had problems in conduct, sobriety and mental behavior are barred from racing, as their participation might endanger the lives and safety of other drivers and spectators, and could have a negative bearing on the race track's insurance coverage. This is a case where the enforcement by the operator would be far more prompt, appropriate and effective than by the community. Vote 13-0. Rep. Dennis H. Fields for Public Protection and Veterans Affairs.

HB 662-FN, prohibiting police departments and security forces from charging a fee to private businesses for unrequested police protection. Inexpedient to Legislate.

There are occasions when a private activity on private property may get out of control. It is at this time that local police may be called in, to restore order — not necessarily by the property owner or sponsor of the activity, but by concerned bystanders or by activity participants. Dances, block parties, motorcycle races and hill climbs, auctions and other types of crowd-drawing activities, though having private police on hand for control purposes, frequently get out of control, necessitating the need for local police to augment the private police in restoring order. This should be at the expense of the property owner or sponsor of the activity. Vote 12-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

HB 714-FN, relative to non-driver's picture identification cards. Inexpedient to Legislate.

This legislation was triggered by problems encountered by certain teenagers in cashing their paychecks, due to their inability to furnish acceptable identification at the bank. From the testimony, it was apparent that the problem was localized in one area. The responsibility for the issuance of identity cards for 14 through 17-year olds should not be placed on the New Hampshire Department of Safety, which has far more important duties to perform. There are alternatives to help these teenagers in securing identification for check cashing service: a) many discount stores and supermarkets issue "courtesy cards," which include the privilege of check cashing, b) starting a savings account in a bank provides identification, assures check cashing and encourages thrift, c) some high schools and some police departments provide identification cards, complete with head photo, fingerprints, and other distinguishing data. The Committee believes that the problem can be resolved without the involvement of the New Hampshire Department of Safety. Vote 11-1. Rep. Bruce F. Hunter for Public Protection and Veterans Affairs.

HB 231, including Somersworth as a municipality entitled to alternate state contribution for sewage disposal facilities. Inexpedient to Legislate.

House Bill 231, if passed, would require 20% state funding to assist Somersworth in cleaning up a landfill problem. While sympathetic to the problem, the Committee

felt it was a local problem and should be dealt with at the local level. Vote 16-1. Rep. Gene G. Chandler for Public Works.

HB 235-FN-A, relative to Whitefield and Berlin airports and making an appropriation therefor. Inexpedient to Legislate.

The Public Works Committee vote is not a decision on the merits of the bill, but a desire to consider this expenditure with other capital items in the Capital Budget. It will be considered at that time. Vote 18-0. Rep. William J. Driscoll for Public Works.

HB 240-FN-A, establishing a shooting range in the state and making an appropriation therefor. Ought to Pass with Amendment.

The Public Works Committee voted 17-0 in favor of Ought to Pass with Amendment. The Committee felt more study was needed before an appropriation would be in order. The amendment adds a member of the Fish and Game Commission to the study group, asks for liability issues to be looked at; recommends looking at private, county and federal as well as state-owned land for the location of a range, and encourages private donations to help fund construction of a range. The Committee feels the amendment addresses the important issues that are dealt with in the bill. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a shooting range study committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Declaration of Purpose. Many citizens of the state enjoy and use firearms for hunting, target shooting, and personal protection. Many law enforcement groups, sportsmen, the New Hampshire national guard, and the various military reserve units in the state do not have a shooting range facility dedicated to their target practice needs. The proper and safe use of firearms requires practice and training. The available training currently is afforded primarily by the hunter safety training program. The rapid growth and development in New Hampshire threaten existing private ranges and the establishment of new ranges, especially in the southern portion of the state.

2 Shooting Range Study Committee Established. The commissioner of the department of resources and economic development, in cooperation with the fish and game commission, the executive director of the department of fish and game, the New Hampshire state police, the New Hampshire Chiefs of Police Association, the New Hampshire national guard, and the New Hampshire Rifle and Pistol Association, shall participate in a study committee to establish a state shooting range facility. The departments, agencies, and associations named in this section shall provide a representative from each, who shall be authorized to act on behalf of that body, in fulfilling the requirements of this act. This committee shall determine the following:

I. The need for such a facility and who would benefit from construction of a facility;

II. The requirements of each potential participating user.

III. The location and size of the shooting range, which may be located on existing state, federally-owned, county or private land. In determining the best location for the facility, the committee shall consider availability and convenience to potential users, safety, environmental concerns such as compatibility with surrounding land use and the possibility of future expansion.

IV. The committee shall also seek the advice of the state council on resources and economic development in determining the site location.

V. Liability issues shall be addressed and reported on by the committee. VI. The committee shall meet no later than 60 days from the effective date of this act and shall choose a chairman from its members.

VII. The committee shall report its finding and recommendations to the speaker of the house of representatives, president of the senate, and the governor and council on or before December 1, 1989.

3 Shooting Range Funding. The commissioner of the department of resources and economic development, the fish and game commission and the New Hampshire state police are authorized and encouraged to seek funds from all potential users of the shooting range facility and other private and public sources. Moneys received pursuant to this section shall be deposited by the state treasurer in a separate nonlapsing account, and may be expended by the commissioner of the department of resources and economic development for the construction and operation of the shooting range facility.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to determine the size and location of a shooting range on existing state, federally-owned, county or private land.

The committee shall make its report on or before December 1, 1989.

The bill also authorizes the commissioner of the department of resources and economic development, the fish and game commission and the New Hampshire state police to seek funds from potential users of such a facility and establishes a separate account with the state treasurer for any money received either by gift or appropriation.

Referred to Appropriations.

HB 303-A, appropriating funds for construction of the Swanzey sewer interceptor. Inexpedient to Legislate.

Swanzey is not in violation of any laws or orders at this time. There was a problem, but it was corrected by the property owners, as it should be. There is no justification for the expenditure of \$1,690,000 for approximately 75 homes, especially since there is no problem. Vote 18-0. Rep. Russell G. Seward for Public Works.

HB 315-FN, including Monroe in the list of towns eligible for state funding for a sewage disposal system. Inexpedient to Legislate.

This bill would include Monroe with list of towns eligible for state funding for a sewage disposal system. The Committee feels HB 521 changes the system funding by adding the bonding to make a loan for the facility. Committee voted HB 521 Ought to Pass with Amendment. If Monroe goes with system, HB 521 is adequate. Vote 16-0. Rep. Channing T. Brown for Public Works.

HB 329-A, authorizing a lease-purchase agreement for the construction of a district court in the city of Franklin and making an appropriation therefor. Inexpedient to Legislate.

The proposal to construct a new Franklin District Court would increase annual operating costs from \$20,000 now to close to \$100,000. The first year of the bond repayment, the costs of bonding, using Franklin's credit rating, would be more expen-

sive than using the state's credit rating. The courthouse could use more space, but is not the highest priority for such expansion at this time. Vote 17-1. Rep. Rowland Schmidtchen for Public Works.

HB 352-FN-A, relative to improvements at the Keene Dillant-Hopkins Airport in Swanzey and making an appropriation therefor. Inexpedient to Legislate.

The Committee vote is not on the merits of the bill. Public Works recognizes the shortage of funds that exists and realizes that if this is to be funded, it will be in the Capital Budget. The bill will be considered at that time. Vote 18-0. Rep. David K. Wheeler for Public Works.

HB 364-FN, adding Somersworth to the list of towns eligible for water treatment projects. Inexpedient to Legislate.

House Bill 364, if passed would obligate the state to pay 95% of the cost of cleaning up the Somersworth landfill. The Committee felt the state should not be involved in this type of activity at this time. Vote 16-1. Rep. Gene G. Chandler for Public Works.

HB 380-FN-A, establishing a revolving loan fund for sewage treatment projects and making an appropriation therefor. Inexpedient to Legislate.

There now exists a Revolving Loan Fund for sewage treatment projects. If we had the \$5 million requested, it could be deposited in that fund and another fund would not have to be created. The Committee saw no benefit to creating a duplicative fund. Fiscal Note calls for state expenditures of \$5,000,000 in FY90. Vote 17-1. Rep. Gene G. Chandler for Public Works.

HB 408-FN-A, relative to a study of the highways in Sullivan and Cheshire counties between I-89 and I-91 and making an appropriation therefor. Ought to Pass with Amendment.

As amended, this bill authorizes the towns of Sunapee, Newport, Claremont, Charlestown and Walpole to contract with the Upper Valley-Lake Sunapee Council for a study of the regional highway needs. There is no cost to the state. Vote 16-1. Rep. Dennis J. Kilbride for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to a study of the highways in Sullivan
and Cheshire counties.

Amend the bill by striking out all after the enacting clause and replacing it with the following:

1 Study Authorized.

I. The towns of Sunapee, Newport, Claremont, Charlestown and Walpole are authorized to negotiate a contract with the Upper Valley Lake Sunapee Council, for the purpose of conducting a study and providing recommendations relative to the following highways in Sullivan and Cheshire counties between I-89 and I-91:

(a) Exit 12 from I-89 west on Route 11 to the intersection with Route 103.

(b) Route 11/103 through Guild into Newport to the Elm Street Bridge and, in particular, the ability of Sunapee and Main Streets in Newport to accommodate heavy commercial traffic.

(c) Route 11/103 from the Elm Street Bridge in Newport over the Kelleyville Bridge to the intersection of Broad and North Streets in Claremont.

(d) West on Route 11/103 from the Broad and North Street intersection to the Ascutney Bridge crossing the Connecticut River to I-91.

(e) Route 11/12 south from the Broad and North Street intersection in Claremont to where Summer Street connects with Pleasant Street causing heavy commercial traffic to execute 2 90 degree turns when traveling north or south on Route 11/12.

(f) Route 11/12 from the intersection of Summer and Pleasant Streets in Claremont south to Charlestown. The study shall determine the sufficiency of Route 11 west in the heavy commercial traffic where it intersects with Route 12 in Charlestown and crosses the Cheshire Toll Bridge providing access to I-91.

(g) Sufficiency and safety for heavy commercial traffic on Route 12 from the intersection of Lower Landing Road and South Main Street in Charlestown south to the County line, which is also the Charlestown town line.

II. The study shall not address bridges over the Connecticut River.

III. The funding for the study shall be assessed on a pro rata basis among the towns cited in paragraph I, as may be mutually agreed upon.

2 Report Required. The study shall be undertaken in 2 phases. The first phase shall include an analysis of the existing corridors to identify the areas where possible roadway and bridge improvements may be needed. Phase 2 shall address the areas of recommended improvements in more detail, including conceptual plans and approximate cost estimates. The Upper Valley Lake Sunapee Council shall issue their report when completed to the selectman of towns cited in paragraph I and to the Sullivan and Cheshire county delegations for any required legislative action.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the towns of Sunapee, Newport, Claremont, Charlestown and Walpole to negotiate a contract with the Upper Valley Lake Sunapee Council, for the purpose of conducting a study and providing recommendations to alleviate the traffic problems relative to certain highways and bridges in Sullivan county between I-89 and the Connecticut River. This study shall not include the bridges over the Connecticut River.

The funding for the study shall be provided by the 5 towns on a pro rata basis, as may be mutually agreed upon.

HB 521-FN, regarding a state loan for the Monroe sewage treatment facility. Ought to Pass with Amendment.

As amended, this bill increases the loan amount available to Monroe from 80% of \$1 million dollars to 80% of \$1.2 million to reflect increased costs of constructing the facilities to correct the Monroe sewer problem. This is in keeping with legislation passed in the last session which authorized the loan for Monroe. Vote 12-4. Rep. Fredrik Peyron for Public Works.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 Loan Amount Increased. Amend the introductory paragraph of 1988, III:1, I to read as follows:

I. The state treasurer is authorized to and shall make loans not to exceed [\$4,400,000] **\$5,700,000** to the towns of Exeter and Monroe. Said loans shall be made for the purpose of providing loans of 80 percent of the proposed cost of [second-

ary] sewage treatment facilities for Exeter with a total project cost not to exceed \$4,500,000, and for Monroe, with a total project cost not to exceed [\$1,000,000] **\$1,200,000**. Allowable project costs shall be limited to those items included in the definition of "construction" under RSA 149-B:1. Said loans are to be made to provide for payments upon completion and final acceptance of said projects by the department of environmental services, but said loans may be made based on an agreed upon payment schedule established in the construction contracts and subsequent to certification by the department of environmental services with the prior approval of the governor and council. Loans may be for terms of not more than 20 years and shall bear interest payable annually on the outstanding principal balance as of January 1 of each year as follows:

Referred to Appropriations.

HB 751, relative to state-issued bonds sold at a discount. Ought to Pass.

House Bill 751 gives the State Treasurer authority to sell discount and zero coupon bonds necessary to implement a college savings bond program. After listening to a comprehensive talk by the State Treasurer, the Committee voted 17-0 in favor of the bill. Rep. Gene G. Chandler for Public Works.

HB 89-FN, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams. Ought to Pass with Amendment.

The purpose of this bill, as amended, is to ensure timely enforcement of Division of Water Resources directives regarding dam maintenance, repair and emergency action plans. Timely enforcement should prevent dam failure and resultant loss of property and/or life. Currently, enforcement of directives is in the hands of the Attorney General's Office and is a lengthy, time-consuming process. On passage of this bill, after notice and hearing, the Division may impose a fine not to exceed \$2,000. The Division must adopt rules and an appeal process according to RSA 541-A. The amendment ensures that fines will be deposited into the Dam Maintenance Fund (RSA 481:30). The Committee members who voted in opposition to the bill objected in principle to increasing the authority for fine setting in an agency. They also expressed concern about the appeal process where Boards and Councils are weighted with agency or state personnel. They endorsed a review procedure involving more citizen input. However, it should be noted that in the case of the Water Resources Council, the membership consists of four public members appointed by Governor and Council and the Water Resources Division Director. The Committee amendment decreases expenditures. Vote 13-3. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend RSA 482:71, III as inserted by section 1 of the bill by replacing it with the following:

III. The proceeds of administrative fines levied pursuant to paragraph II shall be deposited by the division into the dam maintenance fund established in RSA 481:30, for the repair and maintenance of state-owned dams.

Amend RSA 484:1-a, II as inserted by section 2 of the bill by replacing it with the following:

II. The proceeds of administrative fines levied pursuant to paragraph I shall be deposited by the division into the dam maintenance fund established in RSA 481:30, for the repair and maintenance of state-owned dams.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

AMENDED ANALYSIS

This bill authorizes the division of water resources to impose an administrative fine on a dam owner who violates directives of the division regarding management of the dam and water level and for each offense for dam and flowage violations. The fine is not to exceed \$2,000 for each violation.

The division shall adopt rules regarding notice and hearing, and a schedule of administrative fines for such violations.

Any revenue collected shall be deposited into the dam maintenance fund.

This bill is the request of the division of water resources.

HB 110-FN, relative to low and moderate income housing. Ought to Pass.

This bill will make affordable housing available to more persons of a medium income. It would assist these people in the down payment process and the closing costs that now prohibit many young couples from owning their own home. Vote 16-0. Rep. Lowell D. Apple for State Institutions and Housing.

HB 167-FN, relative to taking or acquisition of condominium common areas by eminent domain. Ought to Pass with Amendment.

This bill decreases administrative costs of state, county or local government relative to taking or acquisition of condominium common areas by eminent domain. As amended, the bill provides that the unit owners' association shall act on behalf of each unit owner in condemnation proceedings against the common areas of the condominium. Vote 17-0. Rep. Michael Hill for State Institutions and Housing.

Amendment

Amend section 2 of the bill by replacing it with the following:

2 New Paragraph; Contents of the ByLaws. Amend RSA 356-B:35 by inserting after paragraph III the following new paragraph:

IV. The bylaws shall provide that the unit owners' association shall act on behalf of each unit owner in condemnation proceedings against the common areas of the condominium.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds a procedure for the taking of a part or all of a common area in a condominium by eminent domain.

The unit owners' association shall act as attorney-in-fact for each unit owner and the award or proceeds of settlement shall be payable to the unit owners' association for the use and benefit of the unit owners and their mortgagees.

The bylaws shall provide that the unit owner's association shall act on behalf of owners in condemnation proceeding's against the common area.

HB 326-FN-A, to return real estate transfer tax revenue to counties. Inexpedient to Legislate.

The effect of this bill would be to reduce state revenues to the general fund by about 6.5%. A change of this magnitude is unacceptable at this time. The subject of the bill should be part of a broader study of the allocation and disposition of state and local

resources. Fiscal Note indicates a decrease in state revenues of \$35,520,000 in FY90. Vote 14-0. Rep. David M. LaMar for Ways and Means.

HB 419-FN-A, to impose a capital gains tax on speculative land sales. Re-refer to Committee.

The Committee unanimously deemed the basic concept worthy of consideration as an additional revenue source, but felt that many questions that were raised during the hearing must be further explored. Among these issues are the impact of the bill on housing supply, the amount of revenue that could be raised, and possible financial hardship to small developers and farmers. Fiscal Note unavailable at this time. Vote 14-0. Rep. Frederick G. Ahrens for Ways and Means.

(Regular Calendar)

HB 143-FN-A, making appropriations to the division for children and youth services for juvenile services. Majority: Ought to Pass with Amendment. Minority: Ought to Pass.

MAJORITY: This bill formalizes the action requested in the Governor's Budget Request. It provides eight (8) additional positions for the Division for Children and Youth Services. The Committee feels the eight positions must reduce the caseload of Juvenile Service Officers to an average of 58 - 60. Furthermore, the eight positions are totally insufficient to properly address the total program. The original request of 44, which was initially requested by the Division is, in the eyes of the policy Committee, a truer representation of the needs of the children. The policy Committee has supported the bare minimum, but would encourage further consideration of additional positions should any more dollars be available. The amendment calls for state expenditures of \$332,338 in FY90 and \$332,551 in FY91. Vote 12-5. Rep. William F. McCain for the Majority of Children, Youth and Juvenile Justice.

MINORITY: It is the right and responsibility of the policy Committee to present the number sufficient to handle the situation faced daily by Juvenile Service Officers and Social Workers. The minority feels that this right and responsibility exists despite clear directions from the Governor's Office to limit the number to eight (8). Rep. Mary Jane Wallner for the Minority of Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making an appropriation to the division for children and youth services to fund certain positions.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to enable the division for children and youth services to address its responsibility for children in need of services and delinquents under RSA 170-G:15 and 16 by the addition of personnel. The staff funded by these appropriations will assist in meeting the division's dual goal in juvenile services of public protection and rehabilitation of children.

2 Appropriation. The sum of \$332,338 for the fiscal year ending June 30, 1990, and the sum of \$332,551 for the fiscal year ending June 30, 1991, are hereby appropriated to the division for children and youth services, department of health and human services, to fund certain juvenile services officer positions within juvenile services. These sums are in addition to any other funds appropriated to the division for children and

youth services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Positions funded.

I. The appropriation made in section 2 of this act shall be expended as follows to fund the juvenile service officer positions:

	FY 90	FY 91
10 Personal services-permanent	174,200	181,688
20 Current expenses	40,760	40,760
30 Equipment	12,688	1,268
50 Other personal services	13,065	13,627
60 Benefits	41,065	44,648
70 In-state travel	25,920	25,920
80 Out-of-state travel	2,000	2,000
49 Transfer to other agency	20,000	20,000
90 Training	2,640	2,640
Total	332,338	332,551
Estimated source of funds for juvenile services		
General Fund	332,338	332,551
Total	332,338	332,551

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation for the fiscal years 1990 and 1991 in order to fund certain positions within juvenile services in the division for children and youth services, department of health and human services.

The bill was requested by the division for children and youth services.

Rep. Trombly notified the Clerk that he wished to be recorded in favor of the Minority Report.

Amendment adopted.

Referred to Appropriations.

CACR 5, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. Ought to Pass with Amendment.

The Committee felt that the authority of the General Court to make laws and have them acted upon accordingly ought to be spelled out in the Constitution. Vote 10-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Amendment

Amend Art. 5-c as inserted by paragraph I of the resolution by replacing it with the following:

[Art.] 5-c. [Power to Approve or Disapprove Administrative Rules.] The separation of powers among government branches must be judiciously guarded. Any constitutional amendment affecting the weight or distribution of powers among these branches must be limiting in scope and clear in meaning so as not to disturb this precious balance. In accord with these principles, the general court may delegate regulatory authority to executive branch officials. No proposed administrative rule enacted by these officials shall be adopted or become effective if disapproved by the

general court. In this manner, the process of administrative rulemaking shall preserve the separation of powers between the executive and legislative branches of government.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the constitution to ensure that the legislature may disapprove any administrative rule proposed by the executive branch which is inconsistent with legislative intent?

AMENDED ANALYSIS

This constitutional amendment - concurrent resolution provides that the general court may delegate regulatory authority, provided that any proposed administrative rule shall not be adopted or become effective against any person if disapproved by the general court.

Amendment adopted.

310 members having voted in the affirmative and 5 in the negative, CACR 5 was adopted by the necessary three fifths.

HB 228, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: House Bill 228 would allow independent voters who vote in the primary to change their registration back to independent on the same day as the primary. The majority of the Committee felt that this would simplify the current process and would encourage more independents to vote in primary elections. Vote 6-3. Rep. Carol H. Holden for the Majority of Constitutional and Statutory Revision.

MINORITY: House Bill 228 is a bill which weakens party discipline. The bill contradicts itself since it provides that the undeclared voter may declare party affiliation, may be required to "take an oath or affirmation" "that he intends to affiliate with and generally support the candidates of that party," and allow the voter, after voting to deny the oath by registering as a "member of no party." The bill also allows a voter to change party, but is not allowed to vote. This is unfair to the second voter. Reps. Calvin Warburton, Norman B. Lawrence and LeRoy S. Dube for the Minority of Constitutional and Statutory Revision.

Reps. Flanagan, Ellen Dube, Lewis and Lovejoy spoke in favor of the Majority Report and yielded to questions.

Rep. Warburton spoke against the Report and yielded to questions.

Rep. Warburton requested a Roll Call. Sufficiently seconded.

YEAS 264

NAYS 82

YEAS 264 BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Maviglio, Steven R.
White, James J.

Bolduc, Dennis R.
Hawkins, Robert S.
Richardson, Lawrence

Golden, Paul A.
Locke, Matthew J.
Turner, Robert H.

CARROLL

Foster, Robert W.
Saunders, Howard N.

MacDonald, Kenneth J.
Wiggin, Allen R.

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Foster, Katherine D.
Hill, Douglas E.
Matson, William R.
Morse, JoAnn T.
Pratt, Irene A.
Young, David A.

Cole, Kenneth A.
Delano, Robert F.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.
LaMar, David M.
Miller, Jeffrey C.
Perry, David M.
Spear, Susan S.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Eno, Larry E.
Markley, J. Keith
Scanlan, David M.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Guest, Robert H.
Nordgren, Sharon L.
Stewart, Roger

Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.
Rose, William B.
Teschner, Douglass P.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Bowers, Dorothy C.
Cowenhoven, Garret P.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dwyer, Patricia R.
Fields, Dennis H.
Gagnon, Gabrielle V.
Green, Scott E.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jenkins, Mary
King, John A.
Lachut, Ervin R.
Lown, Elizabeth D.
McNerney, Daniel P.
Moore, Elizabeth A.
Nardi, Theodora P.
Pappas, Toni
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Soucy, Lillian E.
Turgeon, Roland M.
Young, Willard N.

Amidon, Eleanor H.
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Genest, Fernand A.
Grip, Robert H.
Hall, Betty B.
Hunter, Bruce F.
Johnson, Lionel W.
Klose, John F.
Lefebvre, Roland J.
Mason, Howard F.
McRae, Karen
Morrissette, Roland A.
Ouellette, Robert O.
Pepino, Leo P.
Provost, Gilles R.
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara A.

Baldizar, Barbara J.
Biondi, Christine A.
Burkush, Peter A.
Culbert, Patrick
Dodge, Emma M.
Dube, Ellen C.
Eaton, Clyde S.
Frank, Nancy G.
Goulet, Maurice E.
Guilbert, Lionel
Harlan, Susan N.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Long, Linda D.
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Packard, Bonnie B.
Pignatelli, Debora B.
Rheault, Lillian I.
Smith, Leonard A.
Tarpley, Nancy L.
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy C.
 Carter, Susan D.
 Fair, Patricia A.
 Gross, Caroline L.
 Hill, Michael
 Johnson, C. William
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.
 Wallner, Mary Jane

Apple, Lowell D.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pantzer, Eugene E.
 Smith, Gerald R.
 Tolpin, Richard W.

Bardsley, Elizabeth S.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pfaff, Terence R.
 Soldati, Jennifer
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Bucu, Stephen W.
 Caswell, Albert, Jr.
 Felch, Charles H., Sr.
 Ford, Bert H.
 Gourdeau, Raymond H.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Parr, Ednapearl F.
 Ritzo, Eugene
 Sanderson, Patricia O.
 Sherburne, John L.
 Splaine, John E., Sr.
 Weddle, Michael R.

Benton, Richardson D.
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Conroy, Janet M.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Parsons, Robert F.
 Rosencrantz, James R.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Stachowske, Vicki
 Wells, Henry E.

Blanchard, MaryAnn N.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Flanders, Harry E.
 Gage, Beverly A.
 Haynes, Richard L.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Roulston, Donald L.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.
 Kinney, Paula J.
 McCann, William H., Jr.
 Pelley, Janet R.
 Stewart, Glenn W.
 Torr, Ann M.
 Wall, Janet G.

Bickford, Drucilla
 Gilmore, Gary R.
 Marston, Robert E.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Sullivan, Henry P.
 Torr, Ralph W.
 Wheeler, Katherine Wells

Burton, Wayne M.
 Keans, Sandra B.
 Martling, W. Kent
 O'Brien, John
 Spencer, Leo J.
 Swope, Warren L.
 Vincent, Francis C.
 Young, John B.

SULLIVAN

Burling, Peter Hoe
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 Lucier, Edward A., Jr.
 Rodeschin, Beverly T.

Hinrichsen, Keith L.
 MacAskill, Kenneth M.
 Schotanus, Merle W.

**NAYS 82
BELKNAP**

Campbell, Richard H., Jr.	Holbrook, Robert G.	Pearson, Ralph W.
Randall, Kenneth A.	Rice, Thomas E. P., Jr.	Rosen, Ralph J.
Vogler, Charles C.	Ziegra, Alice S.	

CARROLL

Chandler, Gene G.	Daly, Robert J., Jr.	Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.		

CHESHIRE

Avery, Stephen G.	Blacketor, Paul G.	Laurent, John J.
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COOS

Buckley, C. Fitzgerald, III	Horton, Lynn C.	Mayhew, Josephine
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GRAFTON

Dow, David O.	Hill, Richard L.	Larson, Nils H., Jr.
Townsend, Howard C.	Wadsworth, Karen O.	Ward, Kathleen W.
Weymouth, Philip H.		

HILLSBOROUGH

Ahrens, Frederick G.	Desrochers, Gerard T.	Donovan, Francis X.
Drolet, Paul L., Jr.	Dyer, Merton S.	Elliott, Larry G.
Healy, Daniel J.	Hultgren, David D.	Keefe, Edmund M.
Knight, Alice Tirrell	Kurk, Neal M.	Lawrence, Norman B.
McCann, Bonnie Lou	O'Rourke, JoAnne A.	Perham, Lester R.
Record, Alice B.	Riley, Frances L.	Schneiderat, Catherine A.
Searles, Stanley N., Sr.	Steiner, Lee Anne S.	Toomey, Daniel
Tyree, Paul M.	Vanderlosk, Stanley R.	Wheeler, David K.
Wright, George W.		

MERRIMACK

Barberia, Richard A.	Gilbreth, Robert M.	Kidder, William F.
Nichols, Avis B.	Shaw, Randall F.	West, George M.
Whittemore, James A.		

ROCKINGHAM

Chase, Lawrence A., Jr.	Dube, LeRoy S.	Fesh, Robert M.
Flanders, John W., Sr.	Gage, Thomas U.	Johnson, Robert A.
McKinney, Betsy	Raynowska, Bernard J.	Remick, Barbara R.
Seward, Russell G.	Sytek, Donna P.	Tufts, J. Arthur
Vaughn, Charles L.	Warburton, Calvin	Welch, David A.

STRAFFORD

Appleby, James E.	Flynn, Anita A.	Flynn, Edward J.
Foss, Patricia H.	Frechette, Roland A.	Tsiros, William

SULLIVAN

Behrens, Thomas A.	Brodeur, Robert J.	Domini, Irene C.
Middleton, John A.		

and the Majority Report was adopted.

Ordered to third reading.

HB 392-FN, creating a baccalaureate education system trust. Inexpedient to Legislate.

The sponsor asked that this bill be Inexpedient to Legislate and for the Committee to concentrate its efforts on **HB 226** which is a much better program to establish the

first step in creating a New Hampshire savings bond program. Vote 16-1. Rep. Linda D. Long for Education.

Resolution adopted.

HB 382-FN, to tax the removal of sand, gravel and loam in municipalities and unincorporated places and making an appropriation therefor. Ought to Pass with Amendment.

The majority of the Committee supports this bill on the principle that sand and gravel are an unrenovable resource presently taxed under an unworkable law. Upon passage, this bill should be referred to the Ways and Means Committee. Fiscal Note calls for state expenditures of \$40,011 in FY90 and \$40,011 in FY91. Vote 14-3. Rep. John L. Sherburne for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to tax the removal of natural resources in municipalities and unorganized places and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Statement of Purpose.

I. The general court finds that municipalities may suffer adverse economic, social, and environmental consequences from commercial excavation operations. Natural resources which are severed from the ground as part of a commercial excavation are nonrenewable resources for which municipalities should be compensated.

II. The general court finds that a severance tax on natural resources severed as part of a commercial excavation, with the resulting revenue returned to municipalities where the excavations are located, is an appropriate way to compensate municipalities, and to encourage municipalities to more closely regulate commercial excavation activities.

Amend the chapter heading of RSA 72-B as inserted by section 2 of the bill by replacing it with the following:

CHAPTER 72-B SEVERANCE TAX

Amend RSA 72-B:1-5 as inserted by section 2 of the bill by replacing them with the following:

72-B:1 Definitions. In this chapter:

I. "Bedrock" means rock, usually solid, that is continuous with the earth's crust and underlies soil or other unconsolidated deposits.

II. "Earth" means loose material on top of bedrock including sand, gravel, boulders, soil, silt, clay or such other naturally-occurring unconsolidated materials excluding peat and diatomite, that normally mask the bedrock. These are loose materials of the earth's surface which can be removed and handled manually or loosened and removed by power equipment.

III. "Excavation" means a land area which is used for the severance of natural resources, including all slopes.

IV. "Excavator" means any natural person, firm, association, partnership, cooperative, corporation or trust severing natural resources from property which the excavator owns, or on property which is not owned by the excavator.

V. "Natural resources" means earth or bedrock.

VI. "Severed" or "severance" means the point at which the natural resource has been separated from the ground or water in this state.

VII. "Ton" means 2,000 pounds as measured at the point and time of severance after the removal of any impurities.

72-B:2 Imposition of Tax. A severance tax is imposed at the rate of \$.10 per ton upon severed natural resources as part of an excavation within the jurisdiction of a municipality, or within the jurisdiction of a county in which there are located unincorporated towns or unorganized places. The tax shall be remitted by the excavator to the department of revenue administration as provided in RSA 72-B:6. The severance tax shall accrue at the time the natural resource is severed, and shall be considered payable as provided in RSA 72-B:6 when the natural resource is removed from the excavation.

72-B:3 Recordkeeping. Every excavator shall keep books and records in a form acceptable to the department of revenue administration showing the amount of all taxes owed.

72-B:4 Exemption.

I. An excavator or the excavator's designee who excavates natural resources in a manner which requires no permit for excavation as provided in RSA 155-E:2, I, II, and V or who is exempted from a permit as provided in RSA 12-E:1, VI(a) and (b) or is operating under a permit required under RSA 12-E:3, shall be exempt from the tax imposed under RSA 72-B:2.

II. An excavator or the excavator's designee who donates natural resources free of charge to a municipality, or to a county in which there are located unincorporated towns or unorganized places under a written agreement, shall be exempt from the tax imposed under RSA 72-B:2 for the amount of natural resources which is donated. Excavators and excavator's designees shall keep records of the natural resources donated under this paragraph.

III. Natural resources which are redistributed within the excavation for reclamation purposes as required by RSA 155-E or RSA 12-E shall be exempt from the tax imposed under RSA 72-B:2.

IV. Natural resources purchased by a municipality or its agent, or by a county or its agent in which there are located unincorporated towns or unorganized places, from excavations within its boundaries, shall be exempt from the tax imposed under RSA 72-B:2. Excavators shall keep records of transactions conducted under this paragraph.

72-B:5 Permit and Bond Required. Every excavator or his designee who is subject to the provisions of this chapter shall meet all the requirements of RSA 155-E or RSA 12-E, including permit, excavation permit fee, and bonding requirements. At the time a permit is issued under RSA 155-E:8, the regulator shall forward a copy of the permit to the commissioner of revenue administration. At the time a mining permit is issued to quarry bedrock under RSA 12-E:4, the commissioner of the department of resources and economic development shall forward a copy of the permit to the commissioner of revenue administration. Regulators under RSA 155-E and the commissioner of the department of resources and economic development under RSA 12-E shall also notify the commissioner of revenue administration the name and address of all known permitted or unpermitted excavations within their jurisdictions existing on July 1, 1989.

Amend RSA 72-B:6, II as inserted by section 2 of the bill by replacing it with the following:

II. The return shall be filed even though no tax may be due. The department of revenue administration may authorize seasonal excavators to file and make fewer than 4 quarterly returns and payments. If an excavator is given permission to make other than quarterly returns and payments, the excavator shall make a return and payment in accordance with the schedule permitted by the department of revenue administration, even though no tax may be due. All returns shall be signed by the excavator or a designee subject to the pains and penalties of perjury. The return shall show the month or period covered, the total tons of natural resources excavated and removed from the excavation by the excavator, the social security or employer identification number, and such other information as the department of revenue administration shall require.

Amend RSA 72-B:7, I as inserted by section 2 of the bill by replacing it with the following:

I. Failure by an excavator to comply with the requirements of this chapter shall be considered just cause for the regulator issuing a permit or its duly authorized agent to invoke the enforcement provisions of RSA 155-E:10, and just cause for the commissioner of the department of resources and economic development to invoke the enforcement provisions of RSA 12-E:10-12.

Amend RSA 72-B:9 and 10 as inserted by section 2 of the bill by replacing them with the following:

72-B:9 Distribution of Severance Tax.

I. The commissioner of revenue administration shall determine the expense of administration for the year in which the tax is collected and shall certify to the state treasurer the amounts of the remaining balance of the tax, after the expenses of administration have been deducted, which shall be distributed on August 1 of that year to the respective municipalities where the natural resources have been excavated, and where the natural resources have been excavated in an unorganized town or unincorporated place, to the treasurer of the county in which the town or place is situated. Any interest and penalties collected on such taxes, however, may be retained by the commissioner of revenue administration and applied to the expense of administration.

II. The remaining balance of the severance tax which is distributed under paragraph I shall be used by municipalities and unorganized towns or unincorporated places as an appropriation for any purpose for which they may act if the appropriation is not prohibited by the laws or by the constitution of this state.

72-B:10 Rulemaking Authority. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to:

I. The administration of this chapter.

II. Record keeping requirements under RSA 72-B:3.

III. Returns and payment of the severance tax under RSA 72-B:6.

IV. Appeal and abatement of the severance tax under RSA 72-B:8.

V. Measuring natural resources at the time and point of severance after the removal of any impurities.

VI. Natural resource conversion factors to convert natural resources from yards to tons for use at excavations which do not have weight scales. The state geologist shall assist in the formulation of conversion factors under this paragraph.

VII. Taxing stockpiles of natural resources which have been severed but which have not yet been removed from the excavation site as of July 1, 1989.

Amend the bill by replacing sections 3 and 4 with the following:

3 Appropriations; Department of Revenue Administration. In addition to all other sums appropriated to the department of revenue administration:

I.(a) The sum of \$56,139 is hereby appropriated for the fiscal year ending June 30, 1990, for 3 permanent full-time classified employees to administer the provisions of RSA 72-B as inserted by section 2 of this act. This appropriation shall be nonlapsing.

(b) The sum of \$13,754 is hereby appropriated for the fiscal year ending June 30, 1990, for benefits for the 3 employees listed in subparagraph (a). This appropriation shall be nonlapsing.

II. The sum of \$10,129 is hereby appropriated for the fiscal year ending June 30, 1990, for office equipment for the 3 employees listed in paragraph I.

III. The sum of \$12,000 is hereby appropriated for the fiscal year ending June 30, 1990, for the purchase of a 4x4 1/2 ton truck for the use of the employees listed in paragraph I.

IV. The governor is authorized to draw his warrant for the sums in paragraphs I, II, and III out of any money in the treasury not otherwise appropriated.

4 Taxing Certain Real Estate. RSA 72:13 is repealed and reenacted to read as follows;

72:13 Mines and Ores.

I. Real estate shall be taxed independently of any mines or ores contained therein, until the mines or ores shall become a source of profit.

When mines or ores or rights therein are owned by a person other than the one to whom the real estate is taxed, the mines or ores shall be taxed as real estate to the other person.

II. Earth and bedrock, as defined in RSA 72-B:1, shall not be taxed independently as real estate, but the real estate in which the earth and bedrock is contained shall be so assessed under the general property tax. Earth and bedrock, as defined in RSA 72-B:1, shall only be taxed under the provisions of RSA 72-B:2.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill imposes a severance tax at the rate of \$.10 per ton upon the natural resources separated from the ground or water as part of an excavation. "Natural resources" means earth or bedrock. "Excavation" means a land area which is used for the severance of natural resources.

The tax is administered by the department of revenue administration and distributed to the municipalities and the counties where the natural resource is severed.

The bill makes an appropriation for the fiscal year ending June 30, 1990, for 3 classified employees to administer the tax, for related office equipment, and for a 4x4 1/2 ton truck for the use of those employees.

The bill also amends RSA 72:13 relative to taxing real estate separately from the mines, ores, earth, and bedrock which it contains.

Amendment adopted.

Referred to Ways and Means.

HB 413-FN-A, establishing the solid waste reduction planning assistance program and making an appropriation therefor. Inexpedient to Legislate.

This bill was withdrawn at the request of the sponsor because the Governor's Budget proposal adequately addresses the goal of this bill. The Committee feels that given the commitment demonstrated by the Governor and the Legislature, the purposes of this bill will be fulfilled. Vote 17-0. Rep. Rick A. Trombly for Environment and Agriculture.

Rep. Trombly explained the Committee report.

Rep. Greene moved that the bill be laid upon the table.

Adopted.

HB 604-FN, relative to classifying land for purposes of the land use change tax. Inexpedient to Legislate.

The present Current Use Law is working well. This bill, while providing some relief for small towns, would drastically reduce the open space areas of more densely populated towns. It would also force much agricultural and forestry land into development. Vote 17-0. Rep. John L. Sherburne for Environment and Agriculture.

Resolution adopted.

HB 623-FN, relative to the appraisal of open space land. Inexpedient to Legislate.

House Bill 623 deals with Current Use values established by the Current Use Advisory Board under RSA 79-A. Agriculture Commissioner Taylor, Chairman of the Current Use Advisory Board believes implementation of such a bill would be unconstitutional. The bill would prohibit use of equalization of valuation of real estate performed by the Commissioner of Revenue Administration. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Resolution adopted.

HB 169, relative to Martin Luther King Day. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The sponsors of HB 169 asked that the Committee consider HB 169 as written. Under HB 169, the fourth Monday in April, known as "Fast Day" would be replaced by a day, known as Martin Luther King Day, on the third Monday in January. This leaves the Committee with two questions: (1) Do the people of New Hampshire want to give up "Fast Day"? (2) Do the people of New Hampshire want a Martin Luther King Day? In answer to question No. 1 the Committee feels that the people of New Hampshire would like to keep the only state holiday that the State of New Hampshire has had for a great many years. In answer to Question 2 the majority of the Committee felt that all rights are guaranteed under the Constitution and the Bill of Rights which should be celebrated on July 4th. By a vote of 12-6, the Committee feels that HB 169 should be Inexpedient to Legislate. Rep. Kenneth J. MacDonald for the Majority of the Committee on Executive Departments and Administration.

MINORITY: The Minority of the Committee joins the 1983 United States Congress, then President Reagan, and 44 other states in establishing the third Monday in January as Martin Luther King Day. The Minority agrees with many New Hampshire school districts, leaders of New Hampshire's major religious organizations, and thousands of our constituents and their children who believe New Hampshire should join in the celebration.

Dr. King's message of equality and social justice speaks to all of us who share his vision of a color-blind, gender-blind, religion-blind, physical disability-blind democ-

racy called for by the United States Constitution. No message can be more patriotic nor can we celebrate by holiday any higher ideal.

Martin Luther King Day will re-awaken an awareness of bedrock American values and re-energize us toward the dream he described. His dream, that some day all Americans will join hands free of prejudice, deserves the recognition of a holiday which will serve us well and inspire those who follow us as we enter a new era of peace. Rep. Wayne M. Burton for the Minority of Executive Departments and Administration.

Rep. Burton moved that the words Ought to Pass, be substituted for the report of the majority, Inexpedient to Legislate, spoke to the motion and yielded to questions.

(Speaker in the Chair)

Rep. Maurice MacDonald, Benton, Domaingue, Powers, and Palumbo spoke against the motion and yielded to questions.

Reps. Gilbreth, Fillion, Gross, Powers, and Douglas Hall spoke in favor of the motion and yielded to questions.

A Roll Call was requested. Sufficiently seconded.

YEAS 89

NAYS 255

**YEAS 89
BELKNAP**

Maviglio, Steven R.

CHESHIRE

Barber, Robert E., Jr.
LaMar, David M.
Pearson, Gertrude B.

Foster, Katherine D.
Matson, William R.
Pratt, Irene A.

Hunt, John B.
Miller, Jeffrey C.
Spear, Susan S.

COOS

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Guest, Robert H.
Teschner, Douglass P.

Chambers, Mary P.
Markley, J. Keith

Copenhaver, Marion L.
Nordgren, Sharon L.

HILLSBOROUGH

Alukonis, David J.
Drabinowicz, A. Theresa
Frank, Nancy G.
Hall, Betty B.
King, John A.
O'Rourke, JoAnne A.
Smith, Leonard A.

Baldizar, Barbara J.
Dube, Ellen C.
Green, Scott E.
Harlan, Susan N.
Long, Linda D.
Pappas, Toni
Soucy, Lillian E.

Donovan, Francis X.
Dwyer, Patricia R.
Gureckis, Adam C., Sr.
Johnson, Lionel W.
Nardi, Theodora P.
Pignatelli, Debora B.
Toomey, Daniel

MERRIMACK

Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Hall, Douglas E.
Lockwood, Robert A.
Trombly, Rick A.

Beaton, Nancy C.
Dunn, Miriam D.
Gilbreth, Robert M.
Hill, Michael
Soldati, Jennifer
Wallner, Mary Jane

Braiterman, Thea G.
Fair, Patricia A.
Gross, Caroline L.
Jacobson, Alf E.
Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
Gage, Thomas U.
Kane, Cecelia D.
Micklon, Stephanie K.
Rosencrantz, James R.
Vaughn, Charles L.

Blanchard, MaryAnn N.
Hollingworth, Beverly A.
Klemarczyk, Thaddeus E.
Pantelakos, Laura C.
Sanderson, Patricia O.
Weddle, Michael R.

Caswell, Albert, Jr.
Hynes, Carolyn E.
McGovern, Cynthia A.
Popov, Elizabeth M.
Splaine, John E., Sr.

STRAFFORD

Burton, Wayne M.
Keans, Sandra B.
O'Brien, John
Spencer, Leo J.

Dionne, Albert J.
McCann, William H., Jr.
Pelley, Janet R.
Wall, Janet G.

Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe

NAYS 255**BELKNAP**

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Morse, JoAnn T.
Young, David A.

Cole, Kenneth A.
Delano, Robert F.
Laurent, John J.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
Metzger, Katherine H.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald P.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Eno, Larry E.
Larson, Nils H., Jr.
Stewart, Roger
Ward, Kathleen W.

Bennett, Shirley M.
Dow, David O.
Hill, Richard L.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Brady, Carolyn L.

Amidon, Eleanor H.
Biondi, Christine A.
Cowenhoven, Garret P.

Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.

Culbert, Patrick
 Desrosiers, William J.
 Drolet, Paul L., Jr.
 Eaton, Clyde S.
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Healy, Daniel J.
 Jean, Romeo W.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Norman B.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Ouellette, Robert O.
 Perham, Lester R.
 Record, Alice B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Upton, Barbara A.
 Wright, George W.

Daigle, Robert A.
 Dodge, Emma M.
 Dyer, Merton S.
 Elliott, Larry G.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Holden, Carol H.
 Jenkins, Mary
 Klose, John F.
 Kurk, Neal M.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland A.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Sallada, Roland A.
 Steiner, Lee Anne S.
 Turgeon, Roland M.
 Wheeler, David K.
 Young, Willard N.

Desrochers, Gerard T.
 Domaingue, Jacquelyn M.
 Dykstra, Leona
 Fields, Dennis H.
 Genest, Fernand A.
 Guilbert, Lionel
 Hultgren, David D.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Pepino, Leo P.
 Provost, Gilles R.
 Riley, Frances L.
 Schneiderat, Catherine A.
 Stiles, Walter A.
 Tyree, Paul M.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Boucher, Laurent J.
 Hager, Elizabeth
 Johnson, C. William
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 West, George M.

Apple, Lowell D.
 Daneault, Gabriel
 Hayes, Robert C.
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

Barberia, Richard A.
 Fraser, Leo W., Jr.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pantzer, Eugene E.
 Shaw, Randall F.
 Teague, Bert

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Parr, Ednapearl F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.

Boucher, William P.
 Buco, Stephen W.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Skinner, Patricia M.

Brown, Jeffrey M.
 Campbell, Eunice M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.
 Sochalski, Matthew M.

Stachowske, Vicki
Vartanian, Elsie
Wells, Henry E.

Sytek, Donna P.
Warburton, Calvin
Wright, David B.

Tufts, J. Arthur
Welch, David A.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Sullivan, Henry P.
Torr, Ralph W.
Young, John B.

Bernard, Mary E.
Flynn, Edward J.
Kinney, Paula J.
Meserve, John H.
Swope, Warren L.
Tsiros, William

Bickford, Drucilla
Foss, Patricia H.
Marston, Robert E.
Stewart, Glenn W.
Torr, Ann M.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Lucier, Edward A., Jr.
Peyron, Fredrik

Brodeur, Robert J.
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

and the motion lost.

Rep. Densmore notified the Clerk that he wished to be recorded in favor of the substitute motion. Rep. Janet Wall notified the Clerk that she inadvertently voted yea and meant to vote nay.

Resolution adopted.

HB 311, relative to the fish and game commission. Inexpedient to Legislate.

This bill does not address better management or provide better direction. Since 99% of Fish and Game funds are provided by license fees, the members of the Fish and Game Commission should hold a hunting or fishing license in New Hampshire during their tenure in office. Vote 16-0. Rep. Herbert R. Drake for Fish and Game.

Resolution adopted.

HB 358, relative to the distance from a dwelling at which a person may discharge a firearm. Inexpedient to Legislate.

This appears to be an isolated incident and the Committee unanimously feels the Fish and Game Department should be more responsive to citizens' complaints. Safety concerns of citizens should be addressed; however, this is not the vehicle since RSA 207:3-a does not address hunting or discharging firearms from water. Vote 13-0. Rep. Paula J. Kinney for Fish and Game.

Resolution adopted.

HB 363-FN, prohibiting the use of steel leg traps in the state. Re-refer to Committee.

This bill would prohibit the use of steel leg hold traps. Although the Committee feels that the leg hold trap is an important tool in controlling wildlife populations, there were some issues raised during the public hearing that should be addressed. Vote 16-0. Rep. David M. Scanlan for Fish and Game.

Re-referred to Fish and Game.

HB 346-FN, establishing a committee to study the services provided by certain facilities. Inexpedient to Legislate.

The purpose of HB 346 is to address the problems existing within the present levels of long-term care and the criteria involved in the rapidly growing elderly population - the needs of the emerging "very old" - the high cost of care - more than indicate

changes are needed in the delivery system. Under the present criteria many are being forced into a higher level of care at a much greater cost — individual, family and the state. This mandated move does not necessarily result in more appropriate care, but always results in higher financial cost. It is the recommendation of the Chairman of Health, Human Services and Elderly Affairs Committee that this legislation would more expediently and appropriately be addressed by the guidance of the Joint Health and Welfare Overview Committee. As sponsor of this bill, I concur with this recommendation. Vote 13-0. Rep. Shirley M. Bennett for Health, Human Services and Elderly Affairs.

Resolution adopted.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor. Re-refer to Committee.

Although HB 424-FN-A addresses the problem of underfunding in enhanced family care facilities, the Committee recognizes the problem on a larger scale. The Department of Health and Human Services oversees several types of “home care” facilities under more than one division. In an attempt to rectify the problem on a larger scale, the Committee wishes to re-refer this bill and bring members of the various divisions together and attempt to set a standard room and board fee for all of the homes and allow a varied supplemental fee for clients that require more care than others. The Fiscal Note calls for state expenditures of \$212,160 in FY90 and the same amount in FY91. Vote 16-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Re-referred to Health, Human Services and Elderly Affairs.

HB 261-FN, relative to dog licenses. Ought to Pass with Amendment.

This bill increases the dog license fees. The original intent of the bill was to direct these fees to the city or town animal control budget. The amendment deletes that linkage and allows for local address of animal control budgets. Vote 12-5. Rep. Thomas E. Scharff for Municipal and County Government.

Amendment

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

AMENDED ANALYSIS

This bill increases the dog license fees.

Amendment adopted.

Ordered to third reading.

HB 301-FN-A, relative to the funding of regional planning commissions and making an appropriation therefor. Inexpedient to Legislate.

House Bill 301 would appropriate \$375,000 for each of the fiscal years 1990 and 1991. The Regional Planning Agencies of the state are a very necessary and vital part of our planning program in the state. All the testimony was in favor of this legislation. The Committee voted to recommend this bill be inexpedient only because the Governor has funded Regional Planning in his State Budget for 1990-1991. If the Governor's Budget is passed with the necessary funding intact, HB 301 would not be necessary. Vote 14-2. Rep. David M. Perry for Municipal and County Government.

Resolution adopted.

HB 512, relative to zoning ordinance protest petitions. Ought to Pass with Amendment.

The original purpose of the protest petition was to give more say to those whose property might be directly affected by re-zoning action - hence the two-thirds vote. When, however, the area includes an entire town the effect has been to give disproportionate weight to a few owners of large tracts of land, rather than to residents of the community as a whole. The bill corrects the inequity and clarifies that: (1) a protest petition doesn't apply to original enactment, or (2) to governmental property. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend RSA 675:5, I-b as inserted by section 3 of the bill by replacing it with the following:

I-b. Paragraph I-a shall apply only to amendments which alter the boundary locations separating previously defined zoning districts, or to amendments which alter the regulations or restrictions of an area not larger than 1/3 of the land area within the municipality.

Amendment adopted.

Ordered to third reading.

HB 526, relative to a local option for siting of businesses and industry which may be environmentally hazardous or a nuisance. Inexpedient to Legislate.

House Bill 526 says that notwithstanding the provisions of any other law, any business or industry facility, which may have an environmentally hazardous or objectionable effect, shall not be located in any town without a vote of approval of a majority of the voters present and voting on the question at an annual meeting or a special town meeting called for such purpose in the town in which the facility is to be located and without a vote of approval in all adjacent towns or cities pursuant to the procedures of this section or of RSA 47:27-a. Because of the definition of "environmentally hazardous" or "objectionable effect" is quite broad, it would appear that passage of this bill could have a most adverse effect on future establishment of any business or industrial facilities in the state. Vote 14-0. Rep. Roger C. King for Municipal and County Government.

Resolution adopted.

HB 102-FN, relative to the department of libraries, arts and historical resources. Ought to Pass with Amendment.

House Bill 121 makes it clear that the Commissioner of the Department of Libraries, Arts and Historical Resources shall not also hold the position of State Librarian. It also merges two advisory boards of the Department into one entity and defines who can sit on it and their terms. Lastly, it makes certain minor changes to the Automated Data Information Services Board. The bill has no fiscal impact. Vote 13-0. Rep. Scott E. Green for State Institutions and Housing.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Qualifications of Commissioner. Amend RSA 21-K:3, I to read as follows:

I. The commissioner of the department of libraries, arts and historical resources shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years. The commissioner of libraries, arts and historical resources shall be

qualified by reasons of professional competence, education and experience [and may also serve as the director, division of libraries].

4 Compensation of Commissioner. Amend RSA 21-K:3, III to read as follows:

III. The salaries of the commissioner and the division directors shall be as specified in RSA 94:1-a. [If the commissioner also serves as the director, division of libraries, the commissioner shall receive the salary set forth in RSA 94:1-a for the commissioner of libraries, arts and historical resources.]

5 Advisory Council to Review and Recommend Rules. Amend RSA 21-K:8, I to read as follows:

I. The use and control of the state library and its holdings, as authorized by RSA 201-A:9, 1; *provided that the rules shall be subject to review and recommendation by the state library advisory council established by RSA 201-A:3.*

6 Name Change. Amend RSA 21-K:8, III to read as follows:

III. The statewide library development system, as authorized by RSA 201-D:10; provided that the rules shall be subject to [ratification] *review and recommendation* by the state library *advisory* council established by RSA 201-A:3.

7 Name Change. Amend RSA 21-K:8, VI to read as follows:

VI. Standards for city and town libraries; provided that the state library *advisory* council [ratify] *review and make recommendations relative to* the standards by a majority vote of all members.

8 Administration of Federal Funds. Amend RSA 21-K:9 to read as follows:

21-K:9 Federal Funds. Notwithstanding any provision of law to the contrary, the *state librarian with the advice of the* state library *advisory* council shall administer all federal funds collected under RSA 201-A:13[; the New Hampshire state council on the arts shall administer all federal funds provided by the National Endowment for the Arts and for the state art fund established under RSA 19-A:9; and the historical resources council shall administer all federal funds provided for historic preservation under RSA 227-C].

9 Reference Correction. Amend RSA 201-A:1 to read as follows:

201-A:1 State Library. There shall be a state library as provided for in RSA 21-[J] K:5.

10 New Council; Membership of State Library Advisory Council. RSA 201-A:3 is repealed and reenacted to read as follows:

201-A:3 State Library Advisory Council; Membership. The state library advisory council shall consist of 19 members. Three public members shall be appointed by the governor and council, no more than 2 of whom shall be of the same political party. One member shall be appointed by the state board of education. Six members shall be appointed by the state librarian. Nine members shall be appointed as follows:

I. Five appointed by the New Hampshire Library Association who shall broadly represent public, academic, and special libraries.

II. Two appointed by the New Hampshire Educational Media Association to represent school libraries.

III. One appointed by the New Hampshire Library Trustees Association.

IV. One appointed by the Association of New Hampshire Library Friends.

11 Terms of Office. Amend RSA 201-A:4 to read as follows:

201-A:4 Tenure. The terms of office of [each appointive council member shall be 5 years] *advisory council members shall be renewable 3 year staggered terms* and until [his successor is] *successors are* appointed and qualified. In case of a vacancy other

than by the expiration of the term, the appointment of a successor shall be made *by the appointing authority* for the balance of the term. No appointive member shall be appointed to serve more than 2 consecutive terms.

12 Name Change. Amend RSA 201-A:5 to read as follows:

201-A:5 Removal. Any *advisory* council member may be removed from office in accordance with the provisions of RSA 4:1.

13 Name Change: Secretary. Amend RSA 201-A:7 to read as follows:

201-A:7 Organization. The *advisory* council shall adopt bylaws for its internal organization and operation. The state librarian shall [serve as] *designate a* secretary to the *advisory* council [and] *who* shall keep an accurate and complete record of all its meetings.

14 Reference Change. Amend RSA 201-A:8 to read as follows:

201-A:8 Compensation. The [appointive] members of the *advisory* council shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties.

15 Meetings of Advisory Council. Amend RSA 201-A:8-a to read as follows:

201-A:8-a Meetings of *Advisory* Council. The state library *advisory* council shall meet at least quarterly and at such other times as it deems necessary, in order to advise the state librarian and the commissioner of the department of libraries, arts and historical resources on [all] matters pertaining to the state library or other library issues.

16 Nomination of State Librarian. Amend RSA 201-A by inserting after section 8-a the following new section:

201-A:8-b Nomination of State Librarian. The advisory council shall make recommendations to the commissioner for the position of state librarian. The commissioner shall nominate the state librarian for appointment by the governor and council under RSA 21-K:3, II.

17 Reference Change. Amend RSA 201-A:9, V to read as follows:

V. Purchase books and related materials for the state library, subject to RSA [8:25, VI] 21-I:18, VI.

18 Reference Change. Amend RSA 201-A:10, I to read as follows:

I. Receive and accept at any time such sums of money as may be donated for the purpose of purchasing books or other supplies or facilities for the state library; and money so received shall be converted into a continuous fund or funds which shall not lapse: to be held by the state treasurer from which payments shall be made in accordance with the stipulations of the donor, upon warrant of the governor and council for such purposes as are approved by the [commission] *commissioner*;

19 Acceptance of Funds. Amend RSA 201-A:13 to read as follows:

201-A:13 Acceptance of Funds. The *advisory* council may receive[,] *and* accept [and administer] any money granted by the federal government [providing,] equalizing or strengthening a state-wide system of library service in New Hampshire. Any gift or grant from the federal government shall be deposited in the state treasury and credited to a special fund which shall be continuous and shall not lapse. All moneys so deposited shall be paid out by the treasurer on a warrant of the governor and council for services approved by the *advisory* council which will improve and equalize library service in this state.

20 New Board: Membership of Automated Information Systems Board. RSA 201-A:24 is repealed and reenacted to read as follows:

201-A:24 Automated Information Systems Board: Membership. There is hereby established the New Hampshire automated information systems board. The board shall consist of the state librarian, one representative appointed by the speaker of the house, one senator appointed by the president of the senate, and a representative of each board-approved local system appointed by and empowered to speak for the local system. Legislative appointments shall terminate on January 1 of each odd numbered year. All other appointments made under this section shall be for renewable 3-year terms. The board shall advise the state librarian and the commissioner on statewide policies, coordinate activities of the local systems, and engage in long-range planning.

21 Meetings of Board. Amend RSA 201-A:24-a to read as follows:

201-A:24-a Meetings of Board. The board shall meet at least quarterly, and at such other times as [it] *the state librarian* deems necessary[, in order to advise the commissioner of libraries, arts and historical resources on all matters pertaining to the operation of the center].

22 Reference Change. Amend the section heading and the introductory paragraph of RSA 201-A:25 to read as follows:

201-A:25 Duties of *State Librarian* [Commissioner]. The *state librarian, with the approval of the* commissioner of libraries, arts and historical resources, shall have the following duties:

23 Repeal. The following are repealed:

I. RSA 21-K:4, IV, relative to appointments to the automated information systems board by the commissioner.

II. RSA 201-A:6, relative to member of state board of education.

III. RSA 201-A:16, relative to an assistant state librarian.

24 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes changes in the state library council. The bill renames the council to the state library advisory council and changes its membership and terms of office. Under this bill, the state librarian, with the advice of the state library advisory council, shall administer all funds collected under RSA 201-A:13.

This bill eliminates the requirement that the state librarian purchase books and periodicals for all state agencies. The bill requires the state library advisory council to review and make recommendations relative to rules adopted by the commissioner of the department of libraries, arts and historical resources relative to the use and control of the state library.

The bill eliminates the provision that allows the commissioner to serve also as the state librarian.

Additionally, the bill makes changes in the automated information systems board.

The bill makes various technical changes and repeals the provision allowing the state librarian to appoint an assistant.

This bill was requested by the department of libraries, arts and historical resources.

Amendment adopted.

Ordered to third reading.

HB 418-FN-A, relative to drug, alcohol and AIDS counselors at Hampton Beach and Weirs Beach and making an appropriation therefor. Inexpedient to Legislate.

This bill addresses a very specialized effort which was supported only by the sponsor. The bill does not delineate methods of selection, training, insuring and operations of the proposed people. Additionally, the bill asks for immunity for these potential

employees, which could lead to very serious legal ramifications. The Committee feels these loopholes, and the narrow scope of direction, render the bill Inexpedient to Legislate. Vote 17-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Rep. Weddle spoke against the Committee Report.

Rep. McCain spoke in favor of the Report.

Resolution adopted.

HB 175, relative to bail commissioners' fees. Ought to Pass with Amendment.

The amendment is the bill. It establishes the bail commissioner's compensation at \$15 per bailing. The defendant will pay to the District Court \$17, \$2 will be held for administrative costs. Vote 16-0. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend RSA 597:20 as inserted by section 1 of the bill by replacing it with the following:

597:20 Fees. *The district or municipal court shall collect on behalf of* bail commissioners in such cases [shall be entitled to] a fee of [\$7 when called between the hours of 9 o'clock in the morning and 5 o'clock at night, Monday through Friday; and a fee of \$12 when called at any other time] ***\$17. Of this amount, \$2 shall be retained by the court and \$15 shall be remitted to the bail commissioner.*** However, clerks of court or members of their staffs who are bail commissioners shall be entitled to [collect]*receive* such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the municipal or district court is situated.

AMENDED ANALYSIS

This bill allows the court to collect on behalf of bail commissioners who are not court officials or employees, or law enforcement officials, a standard fee of \$17. Of this amount, \$2 shall be retained by the court and \$15 shall be remitted to the bail commissioner.

Rep. Thomas Gage moved that HB 175 be recommitted to the Committee on Judiciary.

Motion adopted.

HB 312-FN, requiring warning labels on war toys. Inexpedient to Legislate.

Legal Counsel has confirmed that this legislation appears to be in conflict with Art I, Sec. 10, the "commerce clause," of the United States Constitution, and its enactment would no doubt create more problems than it would resolve. Legislation enacted in New Hampshire, insofar as placing certain labels and distinctive markings on "war toys" and electronic games, would have no effect on manufacturers located in the Far East (Taiwan, Korea, Hong Kong, etc.), where so many of the war toys and electronic games originate. Also to be noted, the great popularity with boys of articles of United States Army and Marine Corps camouflage clothing; "G.I. Joe" pants, jackets, caps, helmets, boots, etc., with which kids engage in mock combat games. It is difficult to believe that clothing manufacturers will place warning labels on this type of clothing.

Further, youngsters are routinely given gifts of baseball bats, hockey sticks, etc.; though not in the category of "war toys," they can be most dangerous when used by youngsters to help settle arguments, and there is no provision for distinctive labeling or striping. The Committee feels strongly that the choice of children's toys is the responsibility of the parents/guardians etc., rather than the New Hampshire Legislature. As for orange striping on the barrel of make-believe weapons; this could well lead to criminal elements deliberately disguising a bona fide handgun as a make-believe, to gain entrance or to lull security, whereas a bona fide weapon carried in the hand would quickly raise an alarm. Vote 13-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Rep. O'Brien spoke against the Committee Report.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Palumbo moved that the House reconsider its action whereby it killed HB 400, relative to distributing sweepstakes funds and making an appropriation therefor, and spoke to his motion.

Motion adopted.

Rep. John King spoke against the Committee report, Inexpedient to Legislate.

Rep. Skinner spoke in favor of the report.

Resolution adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, March 7 at 1:00 p.m.

The Speaker called for a division vote.

337 members having voted in the affirmative, and one in the negative, the following were read a third time and passed.

LATE SESSION

Third reading and final passage

HB 140-FN, relative to delinquent children and children in need of services.

HB 455-FN, relative to appeals in child abuse or neglect cases.

HB 507-FN, relative to child care.

HB 135, relative to school administration.

HB 19, regarding the use of the hazardous waste cleanup fund.

HB 586-FN, relative to siting and permitting of solid and hazardous waste disposal facilities.

HB 186-FN, allowing free hunting and fishing licenses for residents suffering from certain handicaps.

HB 272-FN, relative to Pike's school in Haverhill, New Hampshire.

HB 351, relative to special permits for the use of crossbows by physically handicapped persons.

HB 53, relative to syringes for diabetics.

HB 101-FN, relative to budgetary transfer authority of the department of health and human services.

HB 367, relative to damages for wrongful death.

HB 219-FN, relative to filing deeds and instruments with the register of deeds.

HB 232, relative to authorizing the prepayment of taxes.

HB 259-FN, permitting selectmen to set fees.

HB 408-FN-A, relative to a study of the highways in Sullivan and Cheshire counties.

HB 751, relative to state-issued bonds sold at a discount.

HB 89-FN, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams.

HB 110-FN, relative to low and moderate income housing.

HB 167-FN, relative to taking or acquisition of condominium common areas by eminent domain.

CACR 5, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

HB 228, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary.

HB 261-FN, relative to dog licenses.

HB 512, relative to zoning ordinance protest petitions.

HB 102-FN, relative to the department of libraries, arts and historical resources.

Rep. Scamman for the entire membership offered the following:

HOUSE RESOLUTION NO. 17

memorializing former United States Senator Norris Cotton

WHEREAS, we have learned with great sorrow of the death of Norris Cotton, one of the most distinguished and honorable of public servants to have ever served the people of New Hampshire, and

WHEREAS, for twenty consecutive years, Norris Cotton did faithfully and devotedly sit as a member of the United States Senate and for six years as a member of the United States House of Representatives, and

WHEREAS, throughout his twenty-six years of outstanding Congressional service, Norris Cotton was widely recognized for his integrity, his eloquence, and his solid Yankee work ethic, and

WHEREAS, prior to serving his first elected term in Washington, D.C., Norris Cotton was an accomplished legislator at home, having served three terms in the New Hampshire House of Representatives, including one term as Speaker, and

WHEREAS, Norris Cotton was a graduate of Phillips Exeter Academy, Wesleyan University, and George Washington University Law School, and

WHEREAS, Norris Cotton was one of New Hampshire's favorite sons who deeply loved the Granite State and the town of Lebanon where he spent much of his adult life, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Norris Cotton be given highest praise and publicly lauded for his outstanding service as a National legislator and a State leader, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. David Young moved that the comments offered by Rep. Domaingue concerning HB 169, relative to Martin Luther King Day, be recorded in the House Record.

On a voice vote, the Chair was in doubt and called for a division.

129 members having voted in the affirmative, and 198 in the negative, the motion lost.

Rep. Weddle addressed the House under Personal Privilege.

ENROLLED BILLS REPORT

HB 459, authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill.

Rep. James D. Phelps
For the Committee

Rep. Palumbo moved that the House stand in recess.

Adopt the motion.

RECESS

(Rep. Chambers in the Chair)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 763, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 763, authorizing the Salem school district to establish a debt retirement fund. (Campbell of Rockingham Dist. 20 - To Education)

Rep. Phelps offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 1, 6, 7, 9, 10, 12, 13, 16, 18-20, 29-33, 36, 39, 40, 44, 47, 49, 51, 53-55, 58, 60, 61, 65, 69, 71, 73, 76, 77, 79, 84, 86, 88, 93, 94, 96, 98, 100, 104-106, 109, 111, 114, 115, 118, 119, 127, 128, 132, 134, 135, 137-141, 145, 147, 150-152, 158, 161, 163, 166, 169, 172, 174, 177, 178, 180, 181, 183, 189, 196, 199, 203, Senate Joint Resolutions numbered 1 and 2, and Constitutional Amendment Concurrent Resolution numbered 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS, SCRs and CACRs

First, second reading and referral

SB 1-FN-A, making an appropriation to the liquor commission for air conditioning. (Public Works)

SB 6, extending the statute of limitations for certain fish and game offenses. (Fish and Game)

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark. (Transportation)

SB 9, to clarify how to designate highways to summer cottages. (Municipal and County Government)

SB 10, repealing a chapter on floating timber and damage therefrom. (Resources, Recreation and Development)

SB 12, relative to the Uniform Gifts to Minors law. (Children, Youth and Juvenile Justice)

SB 13, relative to the definition of legislative and governing bodies of municipalities. (Municipal and County Government)

SB 16, relative to post-termination commissions paid to sales representatives. (Commerce, Small Business and Consumer Affairs)

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands. (Resources, Recreation and Development)

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. (Public Works)

SB 20, relative to the method of taking deer in the city of Dover. (Fish and Game)

SB 29-FN, relative to nonabandonment of dedicated streets. (Municipal and County Government)

SB 30-FN, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry. (Commerce, Small Business and Consumer Affairs)

SB 31, relative to renovation of the Rochester post office as a district court facility. (Public Works)

SB 32-FN, relative to drug offenses. (Judiciary)

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor. (Public Works)

SB 36-FN-A, relative to catastrophic costs and school building aid. (Education)

SB 39, establishing a speed limit for power boats on Spofford Lake. (Transportation)

SB 40, requiring the department of safety to post headway speed limits on the Connecticut River. (Transportation)

SB 44-FN, requiring the superior court to adjudicate paternity in certain contested cases. (Judiciary)

SB 47, authorizing a day for fishing without a license. (Fish and Game)

SB 49-FN-A, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program. (Education)

SB 51-FN, relative to the Christa McAuliffe planetarium. (Executive Departments and Administration)

SB 53-FN, relative to assessing time share interests. (Municipal and County Government)

SB 54-FN, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect. (Children, Youth and Juvenile Justice)

SB 55, relative to the children's trust fund for the prevention of child abuse and neglect. (Children, Youth and Juvenile Justice)

SB 58-A, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge. (Public Works)

SB 60, relating to recording dock permits. (Resources, Recreation and Development)

SB 61-FN-A, relative to preserving the old state house and making an appropriation therefor. (Public Works)

SB 65-FN, establishing a committee to study mental health insurance benefits. (Commerce, Small Business and Consumer Affairs)

SB 69-FN, establishing the home mortgage guarantee authority. (Commerce, Small Business and Consumer Affairs)

SB 71, authorizing the removal of a boat and mooring under certain circumstances. (Resources, Recreation and Development)

SB 73-FN, establishing a committee to study taxing all tobacco products. (Regulated Revenues)

SB 76, establishing a committee to study durable powers of attorney for health care. (Judiciary)

SB 77-FN, relative to holiday pay for certain part-time employees. (Executive Departments and Administration)

SB 79-FN, relative to state employee bargaining rights. (Executive Departments and Administration)

SB 84, to require drivers on motorcycles to wear eye and face protection. (Transportation)

SB 86, prohibiting power boats and ski craft on Wilson Lake. (Transportation)

SB 88-FN, providing a cost of living adjustment for certain group I members. (Executive Departments and Administration)

SB 93-FN, relative to the number of primary ballots to be used for computerized voting machines. (Constitutional and Statutory Revision)

SB 94-FN, authorizing the sale of liquor and beverages in additional areas under a liquor license. (Regulated Revenues)

SB 96-A, relative to the Portsmouth district court and making an appropriation therefor. (Public Works)

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality. (Municipal and County Government)

SB 100-FN, relative to pari-mutuel racing. (Regulated Revenues)

SB 104, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border. (Public Works)

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster. (Public Works)

SB 106-FN, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor. (Transportation)

SB 109-FN-A, establishing a pilot reading recovery program and making an appropriation therefor. (Education)

SB 111, relative to the operation of ski craft.

SB 114, relative to speed limits on certain roads. (Transportation)

SB 115-FN, establishing a committee to study private sector involvement in public education. (Education)

SB 118-FN, relative to private rights-of-way and class VI highways. (Municipal and County Government)

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth. (Constitutional and Statutory Revision)

SB 127-FN, relative to licensing physical therapists. (Executive Departments and Administration)

SB 128, relative to subdivision approval by planning boards. (Municipal and County Government)

SB 132-FN, relative to Rockingham Park and the Rochester Agricultural and Mechanical Association, Inc. (Regulated Revenues)

SB 134-A, relative to the purchase and maintenance of airports and making an appropriation therefor. (Public Works)

SB 135-FN, relative to student literacy. (Education)

SB 137-FN, relative to the language, phrasing, and explanation of ballot questions. (Constitutional and Statutory Revision)

SB 138-FN, establishing a committee to study supplemental education assistance to school districts with assisted housing units. (Education)

SB 139-FN, relative to notifying property owners of zoning changes. (Municipal and County Government)

SB 140-FN, relative to elderly property tax exemptions and increases in the assessed valuation of real estate. (Municipal and County Government)

SB 141-FN, providing business profits tax credits for the sale of certain conservation and recreation land. (Ways and Means)

SB 145-FN, to authorize municipalities to establish special revenue funds. (Municipal and County Government)

SB 147-FN-A, relative to waiting lists for developmentally disabled persons. (Health, Human Services and Elderly Affairs)

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor. (Public Works)

SB 151-A, directing the commissioner of the department of transportation to complete New Hampshire Route 101. (Public Works)

SB 152-FN-A, relative to a study of a portion of the Spaulding Turnpike and making appropriation therefor. (Public Works)

SB 158-FN, relative to the sale of a manufactured housing park. (State Institutions and Housing)

SB 161, authorizing regional agreements for water resources management and protection plans. (Resources, Recreation and Development)

SB 163-FN, relative to power production capacity of certain small power production facilities. (Science, Technology and Energy)

SB 166, relative to modifying planning board procedures on plats and relative to invalid zoning ordinances and appeals to the superior court. (Municipal and County Government)

SB 169-FN, creating a committee to study school tax rates. (Education)

SB 172-FN-A, relative to the capital reserve fund and making an appropriation therefor. (Appropriations)

SB 174-FN, relative to regulation of estheticians. (Executive Departments and Administration)

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers. (Children, Youth and Juvenile Justice)

SB 178, relative to campaign financing. (Constitutional and Statutory Revision)

SB 180, relative to abandoned vehicles. (Transportation)

SB 181, making technical changes in certain laws relating to dams. (Resources, Recreation and Development)

SB 183-FN, relative to the time for holding school elections in cities. (Constitutional and Statutory Revision)

SB 189, relative to the study of New Hampshire commuter rail service. (Transportation)

SB 196-FN, relative to bail reform. (Judiciary)

SB 199, relative to the revocation or suspension of fish and game licenses. (Fish and Game)

SB 203-FN, relative to employing minors enrolled in school. (Education)

SCR 2-FN, recognizing the importance of recycling. (Environment and Agriculture)

SCR 3, establishing a national veterans' cemetery in New England. (State-Federal Relations)

CACR 1, relating to meetings of the general court. Providing that the general court shall meet biennially. (Constitutional and Statutory Revision)

Rep. Flanders moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 11

Tuesday, March 7, 1989

(Rep. Palumbo in the Chair)

The House assembled at 1:00 p.m. the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Living God, we are people of conscience who anguish over the decisions from which we cannot hide. We have read the headlines which say that "Live Free or Die" really means "fend for yourselves." We know that when the pie is too small, the slices of the pie are too small, and all leave hungry. But we face more than a question of just desserts. We are surrounded by needs which are overwhelming . . . needs of real people whose well-being is in our hands.

We thank you that we do not labor alone. Speak to our hearts, words of challenge and of comfort. Make us equal to the task and sustain us as we seek to be responsive and responsible. In hope we pray it. Amen.

Rep. Scanlan led the House in the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Daniel Eaton, Wells, Manus, Long, O'Brien, Cote, Simon and Asplund, the day illness.

Reps. Rodgers, Vartanian, Jones, Nancy Ford, Lionel Boucher, Morrisette, Channing Brown, Behrens, Robert Hayes, Warburton, Kuchinski and Peters, the day important business.

Reps. Joseph MacDonald and Burns, the day illness in the family.

INTRODUCTION OF GUESTS

Classes from Nute High School in Milton, guests of Reps. Glenn Stewart and Swope; Brian Beaupre, guest of Rep. Wiggin; Beth Bazar, National Conference of State Legislatures' liaison to the New Hampshire General Court.

EXTENSIONS

The Committee on Judiciary requested a three-legislative-day extension on the following bills:

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity.

HB 263-FN, relative to a committee to study establishing a family court.

HB 264-FN, prohibiting the prescription, possession, or use of anabolic steroids for athletic enhancement.

HB 275-FN, relative to civil immunity from liability for volunteers and establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers.

HB 449-FN, relative to civil suits against municipal officials.

HB 584-FN, relative to bad checks.

HB 596-FN, limiting personal liability of fire department and emergency rescue services personnel.

HB 609-FN, establishing a pilot program for jury selection, service and compensation in one county.

Granted.

The Committee on Environment and Agriculture requested a three legislative day extension on the following bills:

HB 431-FN-A, relative to the regulation of excavation and mining.

HB 486-FN, relative to clearing land and cutting timber.

HB 534-FN, relative to bottled water.

HB 538-FN, relative to mining.

HB 540-FN, relative to reporting of illegal waste disposal sites.

HB 576-FN, relative to cruelty to animals.

HB 605-FN, relative to a recycling logo.

HB 606-FN, relative to approvable plans for solid waste management districts.

HB 607-FN, relative to deposits on dairy cases.

Granted.

The Committee on Public Protection and Veterans Affairs requested a three legislative day extension on the following bill:

HB 174-FN, relative to fireworks.

Granted.

Rep. Dickinson offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 3, 5, 8, 14, 15, 17, 21, 22, 27, 34, 38, 43, 46, 48, 50, 52, 56, 57, 63, 64, 66, 70, 78, 81, 82, 87, 89, 90, 91, 95, 97, 99, 107, 110, 112, 113, 120, 121, 122, 125, 133, 146, 153, 154, 157, 168, 170, 171, 175, 179, 182, 185, 187, 191-193, 195 and 197 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopt the motion.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 3-FN, relative to child passenger restraints in motor vehicles. (Children, Youth and Juvenile Justice)

SB 5, premitting a corporation to limit the liability of its directors and officers in its articles of incorporation. (Judiciary)

SB 8, relative to workers' compensation coverage of firemen. (Labor, Industrial and Rehabilitative Services)

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses. (Public Protection and Veterans Affairs)

SB 15-FN, relative to New Hampshire hospital reimbursements for certain observations. (Health, Human Services and Elderly Affairs)

SB 17, allowing the wetlands board authority to issue cessation orders pending a hearing. (Resources, Recreation and Development)

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning. (Executive Departments and Administration)

SB 22, relative to certain forestry activities in wetlands. (Resources, Recreation and Development)

SB 27, relative to the liability of landowners for pollutant clean-up. (Judiciary)

SB 34, nullifying the sunset termination of the port authority scheduled for July 1, 1989. (Executive Departments and Administration)

SB 38-FN, relative to fireworks. (Public Protection and Veterans Affairs)

SB 43-FN, relative to licensing engineers, architects, and land surveyors. (Executive Departments and Administration)

SB 46-FN, relative to wage withholding for child support. (Children, Youth and Juvenile Justice)

SB 48-FN, authorizing the sale of a certain parcel of state land to a water district. (Environment and Agriculture)

SB 50, relative to measuring liquid hazardous waste. (Transportation)

SB 52, relative to drug paraphernalia. (Judiciary)

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (Judiciary)

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies. (Environment and Agriculture)

SB 63-FN, relative to enforcement of child medical support. (Children, Youth and Juvenile Justice)

SB 64-FN, relative to asbestos management penalties. (Health, Human Services and Elderly Affairs)

SB 66, relative to regulation of transporters of solid waste. (Environment and Agriculture)

SB 70-FN-A, establishing a pilot program to test the application of the office of state planning's GRANIT system. (Municipal and County Government)

SB 78-FN-A, making appropriations to the WIC program. (Children, Youth and Juvenile Justice)

SB 81-FN, relative to the management of court facilities. (Executive Departments and Administration)

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation. (Appropriations)

SB 87-FN, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease. (Health, Human Services and Elderly Affairs)

SB 89-FN, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes. (Executive Departments and Administration)

SB 90-FN, providing a 4 percent cost of living adjustment for group II members. (Executive Departments and Administration)

SB 91-FN, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957. (Executive Departments and Administration)

SB 95-FN, establishing a minimum fine for violating the boat decibel limits. (Transportation)

SB 97-FN, relative to the distribution of drug forfeiture money. (Judiciary)

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence. (Executive Departments and Administration)

SB 107, relative to the right to know law. (Legislative Administration)

SB 110, relative to joint and several liability and to pollution liability. (Judiciary)

SB 112, establishing a study committee to examine corporal punishment in and the regulation of child care agencies and schools. (Education)

SB 113-FN-A, relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 120-FN, relative to acute care. (Health, Human Services and Elderly Affairs)

SB 121, establishing the Pittsfield regional solid waste cooperative. (Environment and Agriculture)

SB 122-FN, relative to member retirement deductions for certain group II members. (Executive Departments and Administration)

SB 125, adopting the uniform trade secrets act. (Commerce, Small Business and Consumer Affairs)

SB 133-FN-A, making an appropriation for Title XX grants and protective and preventive child care. (Children, Youth and Juvenile Justice)

SB 146-FN, relative to judicial salaries. (Appropriations)

SB 153-FN-A, establishing a committee to study the AFDC program. (Health, Human Services and Elderly Affairs)

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula. (Education)

SB 157-FN, relative to special license plates for solid waste haulers. (Transportation)

SB 168-FN, establishing a division of fire service. (Executive Departments and Administration)

SB 170-FN-A, establishing an emergency shelter telephone service and a pilot housing voucher program, and making an appropriation for the emergency shelter telephone service. (Health, Human Services and Elderly Affairs)

SB 171-FN, relative to revenue distribution. (Ways and Means)

SB 175-FN-A, making an appropriation to the arts development program. (State Institutions and Housing)

SB 179-FN-A, establishing a committee to study the feasibility of a privately funded zoological park, aquarium, and botanical garden. (Public Works)

SB 182, making appropriations to expand the nursing programs at the New Hampshire vocational-technical college-Claremont. (Education)

SB 185-FN, establishing a board of natural scientists study committee. (Executive Departments and Administration)

SB 187-FN-A, relative to drug and alcohol abuse treatment at the New Hampshire state prison and making an appropriation therefor. (State Institutions and Housing)

SB 191-FN-A, relative to telecommunications devices for the deaf. (Health, Human Services and Elderly Affairs)

SB 192-FN, relative to certification of landscape architects. (Executive Departments and Administration)

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state. (Constitutional and Statutory Revision)

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 197-FN, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety. (Public Protection and Veterans Affairs)

RESIGNATION

March 1, 1989

Dear Mr. Speaker,

I regret that this date, I am submitting my resignation as a member of the General Court. Family obligations, my work and lack of time to properly represent my constituents, has prompted this action.

I feel this action is necessary in order for the people in District 28, Nashhwa, to be properly represented. This early resignation will give them the opportunity to elect another person through a Special Election.

With best wishes,
Hector Hidalgo
District 28, Nashua

(Speaker in the Chair)

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 339-FN, relative to the interest rate awarded following an abatement of property taxes, was removed at the request of Rep. Ouellette.

HB 242-FN-A, relative to video poker machines, was removed at the request of Rep. Theriault.

HB 220-FN, relative to managing tax supported state debt, was removed at the request of Rep. Sytek.

HB 436-FN-A, relative to sewage treatment funds and making an appropriation therefor, was removed at the request of Rep. Phelps.

Adopted.

HB 523, relative to a privilege for confidential communications between guardian ad litem and child. Ought to Pass with Amendment.

This bill establishes a privilege between guardian ad litem and child identical to the privilege between attorney and client, except that in cases where the child is under 12 years of age the guardian ad litem shall be the holder of the privilege, and have authority to waive the privilege, but only so long as the guardian ad litem reasonably believes that the child cannot adequately act in the child's own interest. Vote 13-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 458:17-a, II as inserted by section 1 of the bill by replacing it with the following:

II. Said guardian ad litem shall be a full party to the proceedings and shall have such rights as other parties, including, but not limited to, the right to fully participate in any hearing and compel the attendance of witnesses. The guardian may also utilize the services of others to aid him in representing the child. *Communications between the guardian ad litem and the child shall be privileged in the same manner as are communications between attorney and client. When the child's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability or some other reason, the guardian*

ad litem shall be the holder of the privilege, and have authority to waive the privilege, but only so long as the guardian ad litem reasonably believes that the child cannot adequately act in the child's own interest. The fees for services of others and for the guardian shall be a charge against the parties in a proportional amount as the court may determine. Where the parties are indigent, guardian ad litem compensation shall be based upon the applicable fee schedule established by the supreme court of New Hampshire for indigent defense counsel.

AMENDED ANALYSIS

This bill establishes a privilege between guardian ad litem and child identical to the privilege between attorney and client. Under certain circumstances where the child's ability to make decisions is impaired, the guardian ad litem is the holder of the privilege.

HB 545-FN, relative to drug-free schools. Inexpedient to Legislate.

The bill has been discussed with the point of combining it with HB 705 which has subject matter and intent the same or parallel to HB 545. It has, therefore, been deemed Inexpedient to Legislate and will be acted on in conjunction with HB 705. Vote 14-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

HB 625-FN, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses. Ought to Pass.

This bill provides that persons who are responsible for expenses for abused, neglected or delinquent children, and who are financially able to do so, yet fail to repay the county will be subject to a lien being applied for in Superior Court. The Committee unanimously voted 14-0 that such action is justified. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 343, prohibiting bank service charges on certain accounts of minors. Inexpedient to Legislate.

The sponsor of the bill requested that the bill be withdrawn. The Committee concurred. Vote 12-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 328, relative to counting write-in votes. Inexpedient to Legislate.

The Committee believes this bill calls for a cumbersome and unnecessary process. Furthermore, this could lead to legitimate votes not being counted. Vote 11-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

HB 466, relative to absentee voting by college students. Inexpedient to Legislate.

The Committee feels that the proposed legislation is certainly unconstitutional in the manner in which it would discriminate against students. Vote 11-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HB 475, to require the full legal names of candidates on primary and general election ballots. Ought to Pass with Amendment.

This bill requires a person to use his full legal name, rather than an abbreviation or a nickname, on state primary and state general election ballots; and on checklists. HB 475 also removes the requirement that state general election ballots must contain the domicile of each candidate. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the full legal name of persons on ballots and on checklists.

Amend the bill by replacing all after the enacting clause with the following:

1 Primary Ballots; Legal Name Required. Amend the introductory paragraph of RSA 655:14 to read as follows:

The name of every person printed upon the ballot of any party for a primary shall consist of the full legal name given to the person. The name of any person shall not be printed on the ballot of any party for a primary if the name is an abbreviation of or a nickname for his legal name. The name of any person shall not be printed upon the ballot of any party for a primary unless he is a registered member of that party, he shall have met the age and domicile qualifications for the office he seeks at the time of the general election, he meets all the other qualifications at the time of filing, and he shall file with the appropriate official between the first Wednesday in June and the Friday of the following week a declaration of candidacy as provided in RSA 655:17, and

2 Legal Name Required; General Election Ballots. Amend RSA 656:4 to read as follows:

656:4 Name [and Domicile]. Every state general election ballot shall contain the name [and domicile] of each candidate who has been nominated in accordance with the election laws, except as hereinafter provided[, and]. *The name of every person printed on the state general election ballot shall consist of the person's full legal name. The name of any person shall not be printed on the state general election ballot if the name is an abbreviation of or a nickname for his legal name. The state general election ballot* shall contain no other name except party appellations. The names and addresses of the presidential electors shall not be printed on the ballot; but, in lieu thereof, the names of a party's candidates for president and vice-president shall be printed thereon under the designation for "President and Vice-President of the United States". If a nomination has been made by nomination papers, the words "Nom. Papers" shall be added to the name of the political party.

3 Legal Name Required on Checklist. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which is to be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the maintenance of such information. The information to be maintained and updated shall include the full *legal* name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full *legal* name, mailing address and party affiliation, if any, of each voter on the checklist. *The name of any person shall not be added to the checklist if the name is an abbreviation of or a nickname for his legal name.*

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a person to use his full legal name, rather than an abbreviation or a nickname, on state primary and state general election ballots, and on checklists.

The bill also removes the requirement that state general election ballots must contain the domicile of each candidate.

HB 480, relative to the domicile of assistant moderators and assistant town clerks who serve at polling places. Inexpedient to Legislate.

The Committee feels that this is a local issue and should be resolved there. Vote 9-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 484, relative to checkout procedures after votes are cast. Ought to Pass.

This bill exempts cities and towns which use voting machines or devices for computerized casting and counting of ballots from the checkout procedures of folding and depositing ballots. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 138-FN, providing for a supportive employment program and for an independent living program. Ought to Pass with Amendment.

This bill establishes statutory authority to the Department of Education, Division of Vocational Rehabilitation, to continue two worthwhile and cost-effective programs which train eligible handicapped individuals in their employment by providing appropriate support services and services to increase their independence. This bill was requested by the Department of Education. Vote 16-0. Rep. Nancy C. Beaton for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
providing for a supported employment program and
for an independent living program.

Amend the bill by replacing section 1 with the following:

1 New Subdivisions; Supported Employment and Independent Living Programs.
Amend RSA 200-C by inserting after section 17 the following new subdivisions:

Supported Employment Program

200-C:18 Supported Employment Program. There is established a supported employment program within the division of vocational rehabilitation which shall train eligible handicapped individuals in their employment situations by providing appropriate support services.

200-C:19 Services. Services provided by the supported employment program shall include, but not be limited to, the following:

I. Providing vocational rehabilitation programs administered by the division of vocational rehabilitation.

II. Providing ongoing job support services, either at the job site or in another location, which are directly related to maintaining employment.

200-C:20 Rulemaking. The director, division of vocational rehabilitation, shall adopt rules, pursuant to RSA 541-A, to implement the supported employment program.

Independent Living Program

200-C:21 Independent Living Program. There is established an independent living program within the division of vocational rehabilitation which is intended to eligible handicapped individuals to increase their independence.

200-C:22 Services. Services provided by the independent living program shall include, but not be limited to, the following:

I. Providing vocational rehabilitation programs administered by the division of vocational rehabilitation.

II. Establishing, improving, or maintaining independent living centers.

III. Providing services to the elderly blind for the purpose of increasing independence.

200-C:23 Rulemaking. The director, division of vocational rehabilitation, shall adopt rules, pursuant to RSA 541-A, to implement the independent living program.

AMENDED ANALYSIS

This bill establishes a supported employment program and an independent living program within the division of vocational rehabilitation which will train eligible handicapped individuals in their employment situation by providing appropriate support services and services to increase their independence.

The bill was requested by the department of education.

HB 50, exempting the department of transportation from the authority of the director of information services. Ought to Pass with Amendment.

This bill and amendment add the Department of Transportation, the Department of Postsecondary Education and the Department of Safety to agencies previously exempt from the purview of the Director of Information Services. Vote 12-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

exempting the department of transportation, the department of safety,
and the department of postsecondary vocational-technical
education from the authority of the director
of information services.

Amend the bill by replacing section 1 with the following:

1 Departments Added. Amend RSA 21-I:9, VIII(a) to read as follows:

(a) He shall exercise no management or other authority over the data processing operations of the liquor commission, the department of employment security, *the department of transportation, the department of postsecondary vocational-technical education, the department of safety*, or the university system of New Hampshire.

AMENDED ANALYSIS

This bill exempts the data processing operations of the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services.

HB 86-FN, relative to employer remittances to the New Hampshire retirement system. Ought to Pass.

This bill does the following three things: I. Sets a date in the RSA, the fifteenth day of the following month, as the due date for assessments and contributions instead of at the times designated by the Board of Trustees. II. The employer must send in the employee contributions on the due date. III. The employer must send in a certification to certify to the Board the employer's indebtedness for the employees' assessments

and contributions and a written statement setting forth an explanation of difficulties and estimated date by which the amount due will be remitted. Vote 11-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Referred to Appropriations.

HB 87-FN, relative to group II accidental disability allowances. Ought to Pass.

“Accidental” in this context means line of duty. The group II accidental disability allowance is two-thirds of average final compensation. This bill, in order to conform to federal requirements for a qualified pension plan, provides that if a service requirement for the member would have been more than the two-thirds, then he gets that instead. Vote 11-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Referred to Appropriations.

HB 109-FN, relative to physicians and dentists in the department of health and human services and the department of corrections. Ought to Pass with Amendment.

This bill moves physician and dentist positions in Public Health, Human Services and Department of Corrections from classified to unclassified. This is in line with a 1975 transfer at the New Hampshire Hospital and Laconia State School, and is necessary for recruitment. The amendment assures that the corrections positions affected will not be group II. Fiscal Note calls for state expenditures of \$59,816 in FY90 and \$94,943 in FY91. Vote 11-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend RSA 622:5-a as inserted by section 4 of the bill by inserting after paragraph II the following new paragraph:

III. No person holding a position established under this section shall be deemed to be a “permanent policeman” for the purposes of membership in group II of the New Hampshire retirement system.

Referred to Appropriations.

HB 121-FN, regarding position reclassification and retroactive pay. Inexpedient to Legislate.

The entire material in this bill is also included in HB 250. The Committee will handle this subject matter when dealing with HB 250. Vote 11-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

HB 151-FN-A, continually appropriating revenue from certain OHRV fines. Ought to Pass.

This bill continually appropriates the amounts deducted from fines to the Department of Resources and Economic Development for regular use rather than a one-time appropriation. It involves only \$1,000 yearly. Vote 16-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

HB 183-FN, authorizing the commissioner of transportation to charge administrative fees for disposal of land and property. Inexpedient to Legislate.

There is no need for HB 183 because the Department of Transportation currently is charging a \$1000 fee, with the approval of Governor and Council. Other questions arose from the bill’s content which the Committee felt could best be answered by the Department of Transportation submitting another bill. Vote 9-2. Rep. John A. King for Executive Departments and Administration.

HB 187-FN, relative to the rulemaking authority of the board of medicine. Ought to Pass.

This bill requires that the Commissioner of Health and Human Services monitor the rulemaking of the Board of Registration in Medicine. The Committee was informed that the Board of Registration in Medicine has not prepared the administrative rules that were intended by the Legislative Committee. This bill will insure that such rules are prepared in a timely manner. Vote 9-2. Rep. Merton S. Dyer for Executive Departments and Administration.

HB 209-FN, establishing a committee to study the accessibility of nursing home care. Ought to Pass with Amendment.

A substantial problem exists in that people on Medicaid do not have the same access to nursing homes as do individuals who pay with their own private funds. The result is that some people in this state who need nursing home care are unable to obtain it. Attempts to address this problem have been made a number of times, but have always failed because of adversarial relationships and insufficient clout. After much discussion with all those involved (the General Court, the Department of Health and Human Services and the nursing home industry) it was concluded that the only solution was to convene a task force of all those concerned to consider the problem and make recommendations to the General Court and the Governor. This bill does that. The amendment places members of the House Appropriations Committee and the Senate Finance Committee on the committee and also adds a representative of the New Hampshire Association of Counties as a member. Vote 16-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

I Committee Established. There is hereby established a committee to study the accessibility of nursing home care in the state of New Hampshire. The members of the committee shall be:

I. Two members of the house of representatives, one of whom shall be from the health and human services committee, and one of whom shall be from the appropriations committee, appointed by the speaker.

II. Two members of the senate, one of whom shall be from the public institutions, health and human services committee, and one of whom shall be from the finance committee, appointed by the president.

III. The administrator of the office of medical services, division of human services, department of health and human services, or designee.

IV. The director of the division of elderly and adult services, department of health and human services, or designee.

V. One representative of the New Hampshire Health Care Association.

VI. The ombudsman from the office of the ombudsman.

VII. One public member appointed by the governor.

VIII. The director of the office of health planning and review, division of public health services, department of health and human services, or designee.

IX. An attorney who represents the nursing home industry or a nursing home, appointed by the New Hampshire Bar Association.

X. One representative of the New Hampshire Association of Counties.

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators. Ought to Pass.

This bill replaces existing law. This is necessary so that the Board of Examiners of Nursing Home Administrators will operate on the same basis as all other boards of examiners under the aegis of the Department of Health and Human Services. This includes the requirement that fees shall be established at a level that will recover "125% of the direct operating expenses of the board ...". It also changes New Hampshire law so as to conform to Section 1908 of the Federal Social Security Act and to related federal regulations. One important change is that all new applicants for a license will have to have a degree from an accredited college or university. Vote 16-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Referred to Executive Departments and Administration.

HB 499, relative to administration of medications to clients receiving services in the state mental health system. Ought to Pass.

This bill results from a request of Commissioner Mary Mongan to review medication procedures in community-based residences under the Division of Mental Health and Developmental Services. Under Administrative Rule HE-M 1201, a waiver was given to the homes when they opened and received a large (probably too large) number of discharges from Laconia State School and New Hampshire Hospital. A survey last summer documented the need for tightening and unifying procedures in providing medications to clients in community residences. The risk to residents was of great concern to the Committee, as some residents will never be able to manage their own medications without supervision. This bill tightens the procedure requiring an RN to teach a course (approved by the Board of Nursing) to aides, as well as to document learning and continuing education. The RN must review the reason for the medication, the proper dose and review with the aide who may give selected medications, but only those medications which have been reviewed. This plan has the approval of the Board of Nursing and the Division of Mental Health and Developmental Services. Vote 16-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 221, exempting medical facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime. Ought to Pass with Amendment.

This bill is modeled on the DWI Law and exempts health care facilities and their employees from civil liability when performing medical procedures on criminal suspects at the request of law enforcement officials investigating crimes. Vote 17-0. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
exempting health care facilities and personnel from liability
when performing medical procedures at the request of a
law enforcement officer investigating a crime.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Liability Limited; Health Care Facilities and Personnel. Amend RSA 508 by inserting after section 17 the following new section:
508:18 Liability Limited; Health Care Facilities and Personnel.

I. No health care facility, licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician ordered by a law enforcement officer to perform a test, medical examination or procedure on a person in the custody of such officer, shall be held liable for any damage arising out of the performance of such test, examination, or procedure, if the test, examination, or procedure is performed with ordinary care.

II. For purposes of this section, "health care facility" means "health care facility" as defined in RSA 151-C:2, XV-a.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits the civil liability of health care facilities and health care workers when they perform tests, medical examinations, or procedures ordered by a law enforcement officer on a person in the custody of the law enforcement officer.

HB 298-FN, relative to the statute of limitations for actions against governmental units. Ought to Pass with Amendment.

Following review of the bill, the Committee accepted an amendment which made it clear that the new three-year statute of limitations will run from the discovery of the injury complained of, or from the date the injury ought to have been discovered. This important bill brings the limitation of actions against governmental units into line with limitations in other kinds of suits, reducing the period from four years to three. Vote 16-0. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend RSA 507-B:7 as inserted by section 1 of the bill by replacing it with the following:

507-B:7 Limitation on Actions. No actions shall be maintained against the governmental unit under this chapter unless the same is commenced within [4] 3 years after the time of injury or damage, *except that when the injury and its causal relationship to the act or omission were not discovered and could not reasonably have been discovered at the time of the act or omission, the action shall be commenced within 3 years of the time the plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury and its causal relationship to the act or omission complained of.* [; provided, however, that,] As a condition precedent [thereto] *to commencement of the action*, the clerk of the governmental unit shall be notified by registered mail within 60 days after *the time of the injury or damage or discovery of [said] the injury or damage, if it could not reasonably have been discovered at the time of the occurrence of the injury or damage*, as to the date, time and location where [said] *the injury or damage occurred*, and provided that in any case where lack of written notice, actual knowledge or reasonable opportunity to obtain knowledge of any injury or damage within [said] *the 60-day period is alleged by the governmental unit, the burden of proof shall be on the governmental unit to show that it was substantially prejudiced thereby.*

HB 494, relative to the transition period for a new state treasurer and a new secretary of state. Ought to Pass.

This bill establishes a transition period for a new State Treasurer and a new Secretary of State. The term of office shall begin at 12:01 a.m. on the first Wednesday following the first Tuesday in January. All official documents and vital information

necessary for a full and complete understanding of the operation of the Department of State and State Treasurer shall be made available at that time. Vote 12-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 602-FN, relative to distribution of state documents to certain postsecondary institutions. Inexpedient to Legislate.

The bill requires that libraries of any institution conferring a baccalaureate degree receive copies of certain state documents, including Session Laws, Revised Statutes Annotated, permanent journals of the Senate and House of Representatives, the Legislative Manual and agency reports. In view of state budget constraints and the fact that legislators may donate their copies, the bill was determined to be Inexpedient to Legislate. Vote 12-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 337, relative to planning boards. Inexpedient to Legislate.

House Bill 337 would not have accomplished what the sponsor intended. Instead, it would have eliminated a system of alternates for administrative officials on planning boards, which system is working well. Vote 16-0. Rep. Karen O. Wadsworth for Municipal and County Government.

HB 338, relative to the authority of county conventions to hire administrative assistants. Ought to Pass with Amendment.

House Bill 338, as amended, provides for the position of delegation coordinator in Hillsborough County only who shall perform duties as required by the executive committee, subcommittees and the legislative delegation. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the authority of the Hillsborough county convention
to employ a delegation coordinator.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Delegation Coordinator for Hillsborough County. Amend RSA 24 by inserting after section 12 the following new section:

24:12-a Delegation Coordinator for Hillsborough County. The county convention shall have the authority to employ a delegation coordinator who shall perform duties as required by the executive committee, subcommittees, and the legislative delegation.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the Hillsborough county convention to hire a delegation coordinator.

HB 454-FN, relative to the interest due on property tax bills. Ought to Pass.

House Bill 454 was sponsored at the request of the New Hampshire Tax Collectors' Association. All testimony was in support. This bill provides that if the interest due on a property tax bill is less than \$5, the interest may be waived by the tax collector with the approval and consent of the Board of Selectmen and Board of Assessors. Vote 16-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 456, changing the due date for county taxes. Ought to Pass with Amendment.

The Committee felt this was a rather simple issue. The bill changes the due date for county taxes from December 7 to December 17th. The amendment makes the effective date January 1, 1990. This bill helps to eliminate the possibility of penalties being assessed. Vote 16-2. Rep. Barbara J. Baldizar for Municipal and County Government.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 1990.

HB 541-FN, relative to a uniform dwelling unit tax assessed by towns and cities to pay the local portion of funding for schools. Inexpedient to Legislate.

The Committee recognizes that the property tax is heavily burdened, but does not favor this kind of solution. HB 541 brings back the old head and poll taxes, which have been abandoned. Most testimony was in opposition. Vote 18-0. Rep. John A. Middleton for Municipal and County Government.

HB 590-FN, relative to submitting municipal financial reports to the department of revenue administration. Ought to Pass.

This bill, the result of a study committee, changes the reporting dates for cities, towns, school districts and village districts to file with the Commissioner of Revenue Administration the reports necessary to compute their tax rates. The bill also adds the governing bodies of unincorporated places to this filing requirement. All testimony was in favor. The analysis would become clearer by deleting the second paragraph. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

HB 600-FN, relative to the tax lien for the elderly and the disabled. Inexpedient to Legislate.

The elderly tax lien is a vehicle which is not used very much and only one person appeared in favor. However, the taxpayer must assume responsibility, as this proposal would shift the burden to local officials. Vote 18-0. Rep. George M. West for Municipal and County Government.

HB 32-A, relative to the Hampton seawall and making an appropriation therefor. Ought to Pass with Amendment.

House Bill 32 would have appropriated \$600,000 to repair the old section of the Hampton Seawall. The original bond to pay for present reconstruction of the Seawall will have a \$700,000 surplus and the amendment authorizes the use of this money to pay for the part of the Seawall constructed in 1935. The amendment also restores provisions relative to the Parking Meter Fund retiring 50% of the debt. The Committee members were promised that we will not hear about the Seawall again in our lifetimes — as this will finish all of the work, once and almost forever! Vote 20-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$700,000 is hereby appropriated to the department of resources and economic development for the fiscal year ending June 30, 1990, for the purpose of refurbishing and weatherizing that portion of the seawall built in 1935 at Hampton beach, extending from High Street and connecting with the new seawall currently being constructed. This shall be a nonlapsing appropriation and in addition

to any other appropriation for the department of resources and economic development.

2 Funding for Appropriation. To provide funds for the appropriation in section 1 of this act, the department of resources and economic development is hereby authorized to expend \$700,000 from the unexpended funds in the bond issue authorized pursuant to 1987, 3:2. Payments of principal and interest shall be made pursuant to 1987, 3:3, as amended by 1987, 94:1.

3 Lapse Date Established. The lapse date for 1987, 3:1, for the Hampton beach steel seawall, shall be May 30, 1991.

4 Beach Parking Facilities. RSA 216:3 is repealed and reenacted to read as follows:
216:3 Operation of Beach Parking Facilities.

I. The department of resources and economic development shall operate, maintain, and manage the parking facilities at Hampton Beach, and shall be authorized to charge for the use of the parking facilities by meters or fees, whichever is determined most practical.

II. The state treasurer shall establish a special nonlapsing fund, which shall only lapse pursuant to paragraph III, for the revenues from this source which shall be expended to retire 50 percent of the principal and interest of bonds and notes that are issued for the project of replacing the steel seawall with a concrete seawall in the Hampton Beach area.

III. Upon payment of the bonds and notes issued for the seawall replacement project and retired in accordance with paragraph II, the balance of any funds in this special nonlapsing fund shall be lapsed at the close of each fiscal year to the general fund.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill appropriates \$700,000 to the department of resources and economic development for the purpose of refurbishing and winterizing the old section of the Hampton beach seawall.

The funding for this appropriation is a charge against the original bonded appropriation authorized by 1987, 3:1.

This bill restores the provisions relative to the operation of the parking facilities at Hampton Beach and establishes a special nonlapsing fund to retire 50 percent of the principal and interest on the bonds and notes issued for the project of replacing the seawall in the Hampton Beach area.

The bill sets the lapse date of the appropriation made for replacement of the seawall to be May 30, 1991.

Referred to Appropriations.

HB 148-FN, relative to relocation assistance and real property acquisition. Ought to Pass with Amendment.

This bill brings a group of existing laws together as a uniform law to comply with the federal 1987 Surface Transportation and Uniform Relocation Assistance Act. This establishes the criteria and procedures that are followed when property is taken for projects involving federal funds. It establishes the payments for relocation assistance from such actions. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter: Relocation Assistance and Real Property Acquisition. Amend RSA by inserting after chapter 124 the following new chapter:

CHAPTER 124-A

RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION

124-A:1 Purpose. The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a state agency in order that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

124-A:2 Definitions. In this chapter:

I. "Acquiring agency" means any organization or person who has the authority to acquire property by eminent domain under state law.

II. "Business" means any lawful activity, except a farm operation, conducted primarily:

(a) For the purchase, sale, lease and/or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of RSA 124-A:2 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of above activities are conducted.

III. "Comparable replacement dwelling" means any dwelling that is:

(a) Decent, safe, and sanitary;

(b) Adequate in size to accommodate the occupants;

(c) Within the financial means of the displaced person;

(d) Functionally equivalent;

(e) In an area not subject to unreasonable adverse environmental conditions; and

(f) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

IV. "Displaced person" means except as provided in subparagraph (b):

(a)(1) Any person who moves from real property, or moves his personal property from real property;

(A) As a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a displacing agency; or

(B) On which such person is a residential tenant or conducts a small business, a farm operation, or a business defined in 124-A:2, II, as a direct result of rehabilitation, demolition, or such other displacing activity as may occur under a program or project undertaken by a displacing agency in any case in which the displacing agency determines that such displacement is permanent; and

(2) Solely for the purposes of RSA 124-A:3, I and II RSA 124-A:7, any person who moves from real property, or moves his personal property from real property; and

(A) As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which such person conducts a business or farm operation, for a program or project undertaken by a displacing agency; or

(B) As a direct result or rehabilitation, demolition, or such other displacing activity as any displacing agency may prescribe, of other real property on which such person conducts a business or farm operation, under a program or project undertaken by said displacing agency where the displacing agency determines that such displacement is permanent.

(b) The term "displaced person" does not include any person who has been determined, according to criteria established by the lead agency, to be either unlawfully occupying the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this chapter. Nor does it include, in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

V. "Displacing agency" means the state or a state agency carrying out a program or project, or any person carrying out a program or project with federal financial assistance, or state financial assistance, which causes a person to be a displaced person.

VI. "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

VII. "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any federal guarantee or insurance, and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

VIII. "Lead agency" means the New Hampshire department of transportation as designated by the governor on March 10, 1988, or any agency subsequently designated by the governor under RSA 124-A:9, III.

IX. "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

X. "Person" means any individual, partnership, corporation, or association.

XI. "State agency" means any department, agency, or instrumentality of the state or of a political subdivision of the state; any department, agency, or instrumentality of 2 or more states or of 2 or more political subdivisions of the state or states; and any person who has the authority to acquire property by eminent domain under state law.

124-A:3 Moving and Related Expenses.

(c) Actual reasonable expenses in searching for a replacement business or farm; and

(d) Actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria to be established by the lead agency, but not to exceed \$10,000.

II. Any displaced person eligible for payments under paragraph I of this section who is displaced from a dwelling and who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by paragraph I of this section may

receive an expense and dislocation allowance, which shall be determined according to a schedule established by the lead agency.

III. Any displaced person eligible for payments under paragraph I of this section, who is displaced from his place of business or farm operation and who is eligible under criteria established by the lead agency, may elect to accept the payment authorized by this paragraph in lieu of the payments authorized by paragraphs I of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the lead agency, except that such payment shall be not less than \$1,000 nor more than \$20,000. A person whose sole business at the displacement dwelling is the rental of such property to others shall not qualify for payment under this paragraph.

124-A:4 Replacement Housing for Homeowners.

I. In addition to payments otherwise authorized by this chapter, the displacing agency shall make an additional payment, not in excess of \$22,500, to any displaced person who is displaced from a dwelling which he actually owned and occupied for not less than 180 days before the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

(b) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay to finance the purchase of a comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of such dwelling.

(c) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, excluding prepaid expenses.

II. The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date such person receives final payment from the displacing agency for the acquired dwelling or the date the obligation of the displacing agency under RSA 124-A:8 is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of the end of such period.

124-A:5 Replacement Housing for Tenants and Certain Others.

I. In addition to amounts otherwise authorized by this chapter, a displacing agency shall make a payment to or for any displaced person not eligible to receive a payment under RSA 124-A:4 if such dwelling was actually and lawfully occupied by the displaced person for at least 90 days immediately before:

(a) The initiation of negotiations for the purchase of such dwelling; or

(b) Such other event as the lead agency shall prescribe, if displacement is not a direct result of the acquisition. Payment shall consist of the amount, not to exceed \$5,250, necessary to enable such person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months. Payment made under this paragraph may be made in periodic installments, at the discretion of the displacing agency.

Computation of a payment made under this paragraph to a low-income displaced person shall take into account such person's income.

II. Any person eligible for a payment under paragraph I of this section may elect to apply such payment to a down payment on the purchase of a decent, safe, and sanitary replacement dwelling and other expenses incidental to such purchase. Any such person, at the discretion of the displacing agency, may be eligible under this paragraph for the maximum payment allowed under paragraph I, provided, however; that where a displaced homeowner has owned and occupied the displacement dwelling for at least 90 days, but not more than 180 days immediately before the initiation of negotiations for the purchase of such dwelling, then such payment shall not exceed the payment such person otherwise would have received under RSA 124-A:4, I, had the person owned and occupied the displacement dwelling 180 days immediately before the initiation of such negotiations.

124-A:6 Expenses Incidental to the Transfer of Property. In addition to amounts otherwise authorized by RSA 124-A:3, I(c), the acquiring agency shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for:

(a) Recording fees, transfer taxes and similar expenses incidental to conveying such property;

(b) Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date the acquiring agency approves the location of such project; and

(c) The pro rata portion of real property taxes paid which are allocable to a period after the date title vests in the state agency or the effective date of the possession of such real property by the acquiring agency, whichever is earlier.

124-A:7 Relocation Assistance Advisory Services.

I. Programs or projects undertaken by a displacing agency shall be planned in a manner that:

(a) At an early stage in planning such programs or projects and before beginning any actions which will cause displacements, recognizes the problems associated with displacing individuals, families, businesses, and farm operations; and

(b) Provides for the resolution of such problems in order to minimize adverse impacts on displaced persons and expedites program or project advancement or completion.

II. Displacing agencies shall ensure that relocation assistance advisory services are available to all persons displaced by such agency. Relocation advisory programs shall include such measures, facilities, or services necessary or appropriate to:

(a) Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance;

(b) Provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

(c) Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

(d) Supply information concerning federal, state, and local programs which may be of assistance to displaced persons, and supply technical assistance to persons applying for assistance under such programs;

(e) Provide other advisory services to displaced persons in order to minimize hardship in adjusting to relocation; and

(f) Coordinate relocation activities performed by the displacing agency with other federal, state, or local government action in the community which could affect the efficient delivery of relocation assistance and related services.

III. If a displacing agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result of such activity, then the agency may provide advisory services to that person.

IV. Notwithstanding RSA 124-A:2, IV(b), in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.

124-A:8 Assurance of Availability of Housing.

I. If a program or project undertaken by a displacing agency cannot proceed on a timely basis because comparable replacement dwellings are not available and the head of the displacing agency determines that such dwellings cannot otherwise be made available, then the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The displacing agency may use this section to exceed the maximum amounts which may be paid under RSA 124-A:4 and 124-A:5 on a case-by-case basis for good cause as determined in accordance with rules adopted by the lead agency.

II. No person shall be required to move from a dwelling because of any program or project undertaken by a displacing agency, unless the displacing agency is satisfied that comparable replacement housing is available to such person.

III. The displacing agency shall assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the event of:

(a) A major disaster as defined in section 102(2) of the Federal Disaster Relief Act of 1974;

(b) A national emergency declared by the President; or

(c) Any other emergency which requires the person to move immediately from the dwelling because continued occupancy constitutes a substantial danger to the health or safety of such person.

124-A:9 Rulemaking Authority of the Lead Agency.

I. The lead agency shall adopt rules under RSA 541-A and shall establish procedures necessary to assure:

(a) That the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable and as uniform as practicable;

(b) That a displaced person who makes proper application for and is entitled to a payment pursuant to this chapter shall be paid promptly after relocation or, in hardship cases, shall be paid in advance; and

(c) That any displaced person who is aggrieved by a program or project that is under the authority of a state agency may have his application reviewed by such state agency.

II. The lead agency may adopt other rules under RSA 541-A, consistent with the provisions of this chapter, as it deems necessary or appropriate.

III. The governor is authorized to designate any state agency as lead agency for the purposes of this chapter.

124-A:10 Administration. Displacing agencies may enter into contracts with any individual, firm, association or corporation for services in connection with this chapter or may carry out functions under this chapter through any federal or state agency or instrumentality having an established organization for conducting relocation assistance programs. Such state agency, in carrying out relocation activities described in RSA 124-A:7, whenever practicable, shall utilize the services of state and local housing agencies, or other agencies having experience in administering or conducting similar housing assistance activities.

124-A:11 Fund Availability.

I. Funds appropriated or otherwise available to any state agency or unit of local government for the acquisition of real property or any interest in real property for a particular program or project shall also be available to carry out the provisions of this chapter as applied to that program or project.

II. No payment or assistance under this chapter or under RSA 498-A shall be required to be made to any person or included as a program or project cost under this section, if such person receives a payment required by federal, state, or local law which is determined by the lead agency to have substantially the same purpose and effect as such payment under this chapter or under RSA 498-A.

124-A:12 Payments not Income or Resources. No payment received by a displaced person under this chapter shall be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of RSA 77-A or any other direct or indirect tax on income under state law.

124-A:13 Real Property Acquisition.

I. This chapter shall not be construed as creating, in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of enactment of this chapter.

II. Any agency acquiring real property using federal funds or state funds shall comply with the provisions of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), as amended, and RSA 498-A.

124-A:14 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

3 Repeal. The following are repealed:

I. RSA 21-L:12, III, relative to rulemaking authority for application procedures and approval criteria for relocation payments.

II. RSA 21-L:12, IV, relative to rulemaking authority for application procedures and approval criteria for replacement housing.

III. RSA 21-L:12, V, relative to rulemaking authority application procedures and approval criteria for relocation services.

IV. RSA 124:10, relative to authorizing payment for relocation assistance.

V. RSA 230:33, relative to policy behind relocation assistance.

VI. RSA 230:34, relative to definitions.

VII. RSA 230:35, relative to relocation assistance authority of the transportation commissioner.

VIII. RSA 230:36, relative to relocation payments.

IX. RSA 230:37, relative to replacement housing.

X. RSA 230:38, relative to expenses incidental to transfer of property.

XI. RSA 230:39, relative to compensation for loss of existing mortgage financing.

XII. RSA 230:40, relative to maximum reimbursement to displaced persons.

XIII. RSA 230:41, relative to eminent domain.

XIV. RSA 230:42, relative to relocation services.

XV. RSA 230:43, relative to eligibility for relocation services.

4 Effective Date. This act shall take effect upon its passage.

HB 173-FN-A, relative to the renovation and dedication of the Hampton Beach state park lifeguard facility and making an appropriation therefor. Ought to Pass with Amendment.

As amended, this bill dedicates the lifeguard facility at Hampton State Beach to David S. Thomas, the lifeguard who was struck and killed by lightning there. It authorizes a plaque to be erected there in his memory. Vote 18-0. Rep. Fredrik Peyron for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the dedication of the Hampton State Beach lifeguard facility.

Amend the bill by replacing section 1 with the following:

1 Statement of Intent. The general court recognizes the appropriateness of dedicating the lifeguard facility at Hampton State Beach to Hampton Beach lifeguard, David S. Thomas, who was struck and killed by lightning while on duty on July 17, 1988. Therefore, the general court authorizes the commissioner of the department of resources and economic development to install an appropriate commemorative plaque in memory of David S. Thomas at such lifeguard facility, the cost of which shall be paid from existing department funds.

Amend the bill by deleting sections 2 and 3 and renumbering section 4 to read as 2.

AMENDED ANALYSIS

This bill requires the lifeguard facility at Hampton State Beach to be dedicated to David S. Thomas, a Hampton Beach lifeguard who was killed by lightning on July 17, 1988, while on duty.

Referred to Appropriations.

HB 193-FN-A, relative to a study of the highways and bridges in the town of Hooksett and making an appropriation therefor. Inexpedient to Legislate.

Although the sponsor presented a need for this project, the Committee determined that this is a local problem and the 10-year plan is not the proper vehicle. Vote 10-0. Rep. Beaton Marsh for Public Works.

HB 241-FN, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics. Ought to Pass with Amendment.

This is a comprehensive bill that provides a means for two or more municipalities to enter into agreement to share their airport tax base. This bill also clarifies the mean-

ing of operating under the influence of alcohol and revises penalties for violations of air traffic rules. Vote 19-0. Rep. Beaton Marsh for Public Works.

Amendment

Amend RSA 422:3, IX-a as inserted by section 4 of the bill by replacing it with the following:

IX-a. "Antique aircraft" means aircraft which was manufactured 40 or more years ago.

HB 292-FN, extending the study and evaluation of state Route 101A corridor in the Nashua region. Ought to Pass with Amendment.

After hearing testimony, the Committee felt that this additional corridor should be studied. The traffic problems in this area are severe, but it would not be wise to forego looking at other options other than a northern bypass only. Vote 19-0. Rep. David K. Wheeler for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Extended Evaluation Authorized. The department of transportation shall extend the evaluation and study authorized by the laws of 1985, 252 by examining an alternative corridor south of Route 101-A along the South West Beltway as identified in current Nashua planning studies.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the department of transportation evaluation authorized pursuant to 1985, 252, to consider possible corridors south of Route 101A along the South West Beltway.

HB 305-FN-A, relative to a community oriented transportation planning study of certain highways and making an appropriation therefor. Ought to Pass with Amendment.

As amended, HB 305 adds the staged implementation of improvements to Route 3 and Route 11 for study to the 10-year highway plan. This area has been studied a long time, a need identified and it is time to go forward with a positive action to at least finalize what should be done and hopefully get it done some day. Vote 19-0. Rep. Fredrik Peyron for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

adding a Franklin-Laconia bypass study to the 10-year highway plan.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraph; Addition to 10-Year Highway Plan. Amend 1986, 203:4-a, I as inserted by 1988, 247:1 by inserting after subparagraph (e) the following new subparagraph:

(f) Franklin-Laconia Bypass. Authorizing a community-oriented regional study for staged implementation of improvements along United States Route 3 and New Hampshire Route 11 transportation corridor.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the 10-year highway plan by authorizing a community-oriented regional study to be conducted along the U.S. Route 3 and N.H. Route 11 transportation corridor for a staged implementation of improvements.

Referred to Appropriations.

HB 440-A, relative to constructing a parking garage in Concord for the legislature and state government personnel and making an appropriation therefor. Re-refer to Committee.

There is a need for additional parking facilities in Concord for State government, the City of Concord and the general public. This bill was the result of a study conducted in the past year which justified the need and recommended this option. However, with the pending shortage of funds and questions of the chosen site, the Public Works Committee chose to re-refer this bill at this time. Vote 19-0. Rep. Peter M. Stio for Public Works.

HB 731, dedicating the state police barracks in Milford to Major John T. Conti. Re-refer to Committee.

The Public Works Committee feels there may be a number of deserving individuals for whom the barracks could be dedicated. It would like the re-referral time to look at those possibilities and review the process that has been used in the past to dedicate facilities. Vote 17-2. Rep. Roland A. Frechette for Public Works.

HB 274-FN, establishing minimum mandatory fines for persons who violate certain liquor laws concerning those persons under the age of 21 years; and requiring that persons who purchase kegs of beer sign a keg purchase form. Inexpedient to Legislate.

This legislation establishes mandatory fines for certain alcohol possession violations. It also breaks new ground by creating reporting requirements for keg beer purchases. Although the sponsor's ideas have some merit, there are many technical difficulties. The Committee feels that the subject matter of this bill should be considered in coordination with the Liquor Study Committee's efforts. The sponsor has agreed and will work with that Committee. Vote 14-0. Rep. Thomas A. Behrens for Regulated Revenues.

HB 336, relative to senior citizen bingo games. Ought to Pass with Amendment.

The amendment merely removes the word "after" from the original bill. This bill, as amended, raises the dollar amount of prizes at Senior Citizen Bingo Games from \$25 to \$150. The law, as it stands now, is outdated and many games are unintentionally violating this law. The Sweepstakes Commission felt the present low prizes should be increased to reflect present-day values. Vote 14-0. Rep. Lynn C. Horton for Regulated Revenues.

Amendment

Amend RSA 287-E:11, IX as inserted by section 1 of the bill by replacing it with the following:

IX. All prizes, tokens or awards used, given, offered or awarded during[, after] or in connection with the conduct of any game or series of games conducted under this section in any calendar day shall not exceed the total amount of value of [\$25] **\$150**.

HB 395-FN-A, to tax alcohol and tobacco for municipal capital improvement programs. Inexpedient to Legislate.

This bill would create a new dedicated tax with non-lapsing funds. Three similar bills have been introduced this session to tap the same source of almost \$14 million in new taxes. It is estimated the new tax would increase revenues by \$4,558,357, but state revenues to the general fund would decrease by \$5,371,000, resulting in a net decrease of \$812,643 annually. It would also make New Hampshire less competitive with our neighboring states, resulting in a further loss of revenue in the future. The Committee felt such requests should go to the Committee on Appropriations, and if approved come from the general fund. Vote 14-0. Rep. Robert M. Fesh for Regulated Revenues.

HB 403-FN-A, relative to closed circuit televised boxing and wrestling matches. Inexpedient to Legislate.

This bill would put a 5% tax on gross receipts from paid admissions to closed circuit televised boxing and wrestling matches. The Committee felt that since cable television falls under the definition of closed circuit television, it would be opening the door to court challenges if home television were exempted. The financial impact of this bill is not a matter of major concern since the amount of interest in closed circuit matches is definitely unknown. Vote 14-0. Rep. Arthur P. Klemm for Regulated Revenues.

HB 46, requiring notice of applications for approval of plans for a subdivision or a waste disposal system which contain waiver requests. Ought to Pass with Amendment.

House Bill 46, as amended, requires that a person who files an application for a sewage or waste disposal system must notify the owners of the abutting land and the local code enforcement officer, if he is requesting a waiver that would affect the ability of the abutter to utilize his property. Also, no waivers of rules relating to site loading or set-back distances to water shall be allowed for septic systems on lots in subdivisions created after September 1, 1989. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to applications for approval of plans for a waste disposal system which contain encroachment waiver requests.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend 149-E:2 by inserting after paragraph XV the following new paragraph:

XVI. "Encroachment waiver" means any waiver of the rules adopted in accordance with this chapter which, if granted, would affect the ability of an owner of abutting property to fully utilize his property.

2 New Paragraph; Notice Requirement. Amend RSA 149-E:3 by inserting after paragraph I-b the following new paragraphs:

I-c.(a) Any person intending to submit an application for approval of a sewage or waste disposal system, which application will include a request for an encroachment waiver, shall notify the local code enforcement officer or other appropriate designated

authority and all abutters as defined in RSA 672:3 that the person intends to file the application. Such notification shall include:

- (1) The name and address of the property owner.
- (2) Identification of the property for which an encroachment waiver is being requested, including tax map and lot numbers.
- (3) Names of abutters, together with applicable tax map and lot numbers.
- (4) A description of the specific waivers being requested.
- (5) A reasonable facsimile of the plan.
- (6) Identification of any local code or ordinance for which a waiver, variance or exception is required, and whether such waiver, variance or exception has been obtained.
- (7) Notice that the division is required by law to act on the application within 15 working days of receipt of the application, and that objections to the proposed encroachment waiver may be submitted to the division during the review process or by filing a motion for reconsideration of the decision with the division within 20 days of the division's decision on the application.

(b) Encroachment waiver requests shall appear on the plans. No application which includes any requests for encroachment waiver shall be accepted by the division unless the application includes a copy of the notice, a list of the names and addresses of the abutters to whom the notice was mailed, and a statement signed by the applicant or property owner certifying that the notices were sent by certified mail to the abutters listed.

I-d. No construction permit shall be issued for a septic system until the division has received a copy of the recorded notice showing that all easements and encroachment waivers associated with the application have been recorded by the property owner in the registry of deeds.

3 Number of Working Days. Amend RSA 149-E:3, II to read as follows:

II. The division shall give notice in writing to the person submitting the plans and specifications for subdivision of land of its approval or disapproval of such plans and specifications within 30 days of the date such plans and specifications and the required fees are received by the division and shall give notice in writing to the person submitting plans and specifications for sewage or waste disposal systems of its approval or disapproval of such plans and specifications within 15 *working* days of the date such plans and specifications and the required fees are received by the division. Unless such written disapproval shall be mailed to the person submitting plans and specifications within 30 days in the case of plans and specifications for subdivision of land and 15 *working* days in the case of plans and specifications for sewage or waste disposal systems from the date of receipt with the required fees by the division, the plans and specifications shall be deemed to have been approved. The division shall send a copy of the approval or disapproval of such plans and specifications to the planning board or board of selectmen of the affected municipality.

4 Rulemaking; Duties of the Division. Amend RSA 149-E:5, IV to read as follows:

IV. Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the implementation of this chapter. The division shall adopt rules relative to the circumstances under which it may grant a waiver of any rule, *except that no waivers of rules relating to site loading or set-back distances to ground or surface waters shall be allowed for sewage or waste disposal systems on lots in subdivisions created after September 1, 1989.* A waiver must be consistent with the intent of RSA 149-E and

have a just result. *In particular, an encroachment waiver shall meet the following criteria:*

(a) The proposed waiver shall not encroach upon the right of the owner of abutting property to fully utilize his land, unless said property owner has granted consent in the form of a signed waiver or deeded easement; and

(b) Denial of the waiver would result in unnecessary hardship to the owner due to special characteristics of the property.

5 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires that a person who files an application for sewage or waste disposal systems containing requests for encroachment waivers must notify abutting landowners and local code enforcement officers.

This bill was requested by the division of water supply and pollution control.

HB 54, adding a member to water well board. Ought to Pass with Amendment.

House Bill 54, as amended, adds a new member to the Water Well Board. Currently, under the provisions of RSA 489-B:3, the Water Well Board has six members. The membership feels that an experienced licensed New Hampshire technical driller should be appointed, a public member who has demonstrated concern for and knowledge of water resources management in New Hampshire. Amendments are prose and language corrections. Vote 15-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend RSA 489-B:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. "Technical driller" means a person licensed to engage in technical drilling.

Amend RSA 489-B:3, I as inserted by section 2 of the bill by replacing it with the following:

I. There is hereby created a board to be known as the New Hampshire water well board. The water well board shall be administered by the commissioner of environmental services. The board shall consist of [6] 7 members who are residents of the state, appointed by the governor with the advice and consent of the council as follows: one member shall be the director, division of water resources, department of environmental services, or his designee; one shall be the state geologist; 2 shall be active water well contractors with at least 10 years of experience; one shall be an active pump installer with at least 10 years of experience; *one shall be an active technical driller licensed in the state of New Hampshire with at least 10 years of experience*; and one shall be a member of the public who has demonstrated concern for and knowledge of water resources management in New Hampshire. Each member shall hold office for a term of 5 years and until his successor is appointed and qualified; provided, however, that the original appointments shall be as follows: the member of the public for a 2-year term; one water well contractor for a 3-year term; one water well contractor for a 4-year term; and the pump installer *and technical driller* for [a] 5-year [term] *terms*. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

Referred to Executive Departments and Administration.

HB 129-FN. establishing fees for reviewing plans to dredge and creating new classified positions. Ought to Pass.

This bill establishes fees for reviewing plans to dredge under the provisions, RSA 149:8-a, II. It will provide much needed funds to protect the state's groundwater by providing fees to the Department of Environmental Services obtained from reviewing plans by persons proposing to dredge, excavate, place fill, mine products or undertake construction which would significantly alter terrain characteristics. Federal funding is no longer available. Vote 13-0. Rep. Leonard A. Smith for Resources, Recreation and Development.

Referred to Appropriations.

HB 130-FN. requiring certification of operators of pollution control facilities. Ought to Pass with Amendment.

Operators of pollution control facilities will now be certified under this bill. In addition, water works operator certificates will be processed on an every other year basis, rather than the present annual renewal, reducing paperwork and administrative costs. Vote 15-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
requiring certification of operators of pollution control facilities
and relative to renewals of water works
operator certificates.

Amend the bill by replacing section 3 with the following:

3 New Paragraph: Renewals. Amend RSA 332-E:4, IV and V to read as follows:

IV.a [The annual] *The division shall issue renewal certificates every 2 years upon payment of renewal fee which shall be [S20] \$40 for a 2 year period.* [which] *This fee shall also be deposited as in paragraph III of this section.*

V. Failure to renew the certificate within 60 days may be cause for revocation. The certificates [shall be renewed annually and] shall be effective from January 1 to December 31.

4 Change Date. Amend RSA 332-E:6, II to read as follows:

II. Renewal, when appropriate, shall be on [the birthday of the certificate holder] *a calendar basis.*

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that operators of pollution control facilities be certified by the division of water supply and pollution control and authorizes the division to adopt rules governing the certification of operators.

The bill also changes the procedure for the renewal of certificates of water works operators.

This bill is a request of the division of water supply and pollution control.

HB 131-FN. relative to protective well radii for private water wells. Ought to Pass with Amendment.

House Bill 131, as amended, will reduce conflicts arising in the development of pre-existing lots by requiring that a protective well radius shall be contained on the lot

which it serves and shall not restrict the utility of abutting property. Lot owners will have increased flexibility to meet requirements for well protection, including the option of drilling a more secure well with a reduced on-lot radius. A reduced radius, or an easement to obtain protection from abutting property, must be recorded in the registry of deeds. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Protective Well Radii. Amend RSA 149-E:3 by inserting after paragraph X the following new paragraph:

XI. In recognition of the problems posed to landowners wishing to develop their property when wells are installed on abutting land close to the property boundary such that the protective zone for the well extends over the property line, it is hereby declared that the intent of this section is to require that all wells and associated protective radii be confined to the lot which the well serves for newly created lots, and to minimize the impact of development of pre-existing lots on abutting property.

(a) The division shall adopt rules under RSA 541-A providing for protective well radii for private water wells, and for regulation of land use within the radii boundary. Such rules shall include provisions allowing abutting lot owners to overlap their respective well radii for their mutual benefit and allowing well radii to extend over property lines onto locally-mandated property line set-backs, recorded easements, or land which is permanently dedicated to a use which precludes development.

(b) For private wells serving commercial buildings the entire protective well radius shall be maintained on-lot, on a recorded easement, or on land which is permanently dedicated to a use which precludes development. For the purposes of this paragraph, the term "commercial building" shall not include a residence which is also used for commercial purposes unless the total water withdrawal exceeds 600 gallons per day.

(c) For private wells serving buildings other than commercial buildings, if the protective well radius cannot be wholly maintained on an existing lot of record due to the size or other physical characteristics of the lot, then the on-lot protective radius shall be maximized to the extent practicable. Unless by recorded easement, abutting property shall not be encumbered by the protective radius of a well if such encumbrance would restrict development on said abutting property.

(d) Any person submitting plans and specifications for a sewage or waste disposal system for a property which is or will be served by an on-lot well shall show the location or proposed location of the well, or a designated area within which the well will be located, on such plans and shall show the protective radius as specified in the division's rules.

(e) Whenever the division approves a septic plan with an on-lot well radius which is less than the optimum standard, the division shall notify the applicant of the consequences of such reduced radius and advise the applicant whether special precautions should be taken relative to well installation.

(f) If the well is not installed prior to the sewage or waste disposal system being constructed, then the property owner shall provide the water well contractor with a copy of the approved plan showing the location of the well and the water well contractor shall ensure, to the best of his ability, that the well is installed in accordance with the approved plan.

(g) When, for reasons of the condition of the lot or the placement of buildings thereon, the well cannot be installed as shown on the approved plan, the water well contractor shall advise and consult with the property owner, or the property owner's agent, on the best possible alternative location considering distance to property boundaries and to the sewage or waste disposal system. Using a standard release form prepared by the division, the water well contractor shall alert the owner to the consequences of the alternate installation, including the potential loss of the protection of any portion of the radius which extends over the property line. The owner, or the owner's agent, may defer to the designer of the sewage or waste disposal system or may allow the water well contractor to proceed in the identified alternative location. Prior to installing the well in the identified alternative location, the well contractor shall, using the standard release form, obtain a written acknowledgement from the property owner, or the owner's agent, that the consequences are understood. The designer shall prepare an amended plan showing the actual location of the well. The property owner shall forward the amended plan, together with a copy of the signed release form, to the division and the local code enforcement officer or other appropriate designated local official prior to using the well. If the on-lot protective well radius is less than the optimum prescribed standard, the owner shall record the amended plan and the release form, upon which the actual protective radius shall be noted, in the registry of deeds, and a copy of the recorded release form shall be filed with the division.

2 Effective Date. This act shall take effect 90 days after its passage.

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control to adopt rules establishing protective well radii for private water wells to confine wells and their protective radii to the lot which the well serves in new development. The location of wells shall be included on plans submitted for sewage disposal permits.

The bill also provides for commercial and non-commercial standards and variances.

The water well contractor shall consult with landowners for changes in the placement of the wells after plans have been approved and duties for each are established.

This bill is the request of the division of water supply and pollution control.

HB 482, allowing a certain community to use septic holding tanks for a limited period. Inexpedient to Legislate.

The Committee unanimously acceded to the sponsor's request to kill this bill, which it agreed was premature. Apparently, the developer had never approached the Division of Water Supply and Pollution Control for a waiver allowing the use of holding tanks for a period of three years. Vote 12-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 492, relative to recreational campgrounds and camping parks. Ought to Pass with Amendment.

This legislation was requested by the Campground Owners' Association in cooperation with the Department of Health and Human Services and the Division of Parks and Recreation (DRED). The purpose of the bill is to establish laws governing Recreational Campgrounds/Camping Parks. Testimony was overwhelmingly in favor. Amendments were discussed with concerned parties and unanimously agreed upon. The Campground Association should be commended for its efforts in placing controls

on its industry. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 216-I:1, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Constructed prior to July 1, 1967; or

Amend RSA 216-I:1, II as inserted by section 1 of the bill by replacing it with the following:

II. "Campsite" means a parcel of land in a recreational campground or camping park for the placement of a tent, or a recreational vehicle for the exclusive use of its occupants.

Amend RSA 216-I:1, VII as inserted by section 1 of the bill by replacing it with the following:

VII. "Recreational campground or camping park" means a parcel of land on which 5 or more campsites are occupied or intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year-round residence.

Amend RSA 216-I:1, VIII(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

Amend RSA 216-I:2 As inserted by section 1 of the bill by replacing it with the following:

216-I:2 Density Requirement. A minimum of 600 square feet shall be provided for each tent site and a minimum of 1,000 square feet shall be provided for each recreational vehicle campsite, with or without connections to an approved sewage disposal system.

Amend RSA 216-I:5 as inserted by section 1 of the bill by replacing it with the following:

216-I:15 Registration. All persons upon entering a recreational campground or camping park shall register with the appropriate authorities. All recreational campground or camping park owners or operators or their agents shall upon the registration of each camper or camper's guest cause an entry to be made on a registration book or card system which shall record the campers or camper's guests agreed-upon departure time and date. No camper or camper's guest shall, without the consent of the campground or camping park owner or operator or his agent, remain on a campsite beyond the departure time and date so recorded at registration.

Amend RSA 216-I as inserted by section 1 of the bill by inserting after section 11 the following new section:

216-I:12 Manufactured Housing Exempted. Nothing in this chapter shall be construed to apply to "manufactured housing" as defined in RSA 205-A:1.

HB 535-FN, including water districts under the public utilities commission. Inexpedient to Legislate.

This bill requested that municipal water districts be considered public utilities subject to Public Utilities Commission regulation. The bill, as written, does not reflect the sponsor's intent of solving the problem; instead, the opposite effect on water utilities regulation would occur. The intent of the bill will be addressed in another bill before the Committee. Vote 10-0. Rep. Susan N. Harlan for Science, Technology and Energy.

HB 213-FN, relative to water tests for private wells. Ought to Pass.

This bill begins the process of testing private wells in New Hampshire. While some felt the bill should have gone further, the Committee believes this is a good first step to build a data base on radon contamination in New Hampshire. This bill will give protection to the buyers of new homes which is necessary today. Vote 13-2. Rep. William H. McCann for State Institutions and Housing.

HB 314, relative to styrofoam in the construction of houses. Ought to Pass with Amendment.

This bill prohibits the use of expanded polystyrene as sheathing in the building of new homes. This material, commonly known as styrofoam, lacks sufficient structural integrity for use as sheathing, and presents a flash fire hazard to firefighters in the event of a house fire. The amendment simply substitutes the generic term "expanded polystyrene" for the trade name "styrofoam" originally used in the bill. Vote 16-0. Rep. Michael Hill for State Institutions and Housing.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to expanded polystyrene in the construction of houses.

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Products With Expanded Polystyrene. Amend RSA 339-A by inserting after section 11 the following new subdivision:

Products With Expanded Polystyrene

339-A:12 Expanded Polystyrene Sheathing. No person shall manufacture or offer for sale in this state a new home or new manufactured housing containing expanded polystyrene sheathing.

AMENDED ANALYSIS

This bill prohibits the use of expanded polystyrene as sheathing in the building of new homes or new manufactured housing.

HB 322-FN, requiring licensing of home inspectors by the New Hampshire real estate commission. Inexpedient to Legislate.

This proposed bill was not well thought out. It contains many loopholes that cannot be satisfactorily addressed. Further, this bill would appear to create another division in the New Hampshire Real Estate Commission that is totally and fiscally uncalled for. Vote 15-1. Rep. Lowell D. Apple for State Institutions and Housing.

HB 519-FN, relative to presite built housing. Re-refer to Committee.

This bill would regulate through the Department of Transportation the construction of presite built housing. The Committee feels the bill needs further study. Vote 16-0. Rep. William H. McCann for State Institutions and Housing.

(Regular Calendar)

HB 498, relative to publication of information on certain juvenile offenders. Ought to Pass with Amendment.

This bill permits any juvenile convicted of a second offense for pushing drugs to have his name published. There is already a law, RSA 169-B:46, which permits the names of juveniles convicted of vandalism to be published. It was felt by the majority of the Committee that drug pushing is a far more serious crime and that parents should have the right to guide and forewarn their children if there is a drug pusher in the area. It was also felt that the convicted juvenile was given one chance to be rehabilitated and that if convicted a second time the public should know that more serious action will be taken. Vote 9-5. Rep. Annette M. Cooke for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 169-B:46 as inserted by section 1 of the bill by replacing it with the following:

169-B:46 Publication Permitted. Notwithstanding the provisions of RSA 169-B:36 and 169-B:37, there shall be no restriction on the publishing or broadcasting of the name or address of any child found to have committed vandalism under RSA 169-B:45, *or any child convicted of a second or subsequent offense for the possession with intent to distribute any controlled drug, as defined in RSA 318-B:1, VI*, or the name or address of his parent or guardian.

AMENDED ANALYSIS

This bill allows the publication of the names or addresses of juveniles convicted of a second or subsequent offense for possession with intent to distribute any controlled drug.

Amendment adopted.

Ordered to third reading.

CACR 6, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. Inexpedient to Legislate.

The majority believes that a 424-member Legislature adequately represents the citizens of New Hampshire. There is no evidence that any measure requested or desired by citizens of New Hampshire ever failed to be introduced. Vote 9-1. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Resolution adopted.

CACR 7, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. Inexpedient to Legislate.

This CACR is not needed. The Committee feels that fixing the present laws on the books can accomplish the intent of the sponsor. Vote 7-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Resolution adopted.

CACR 10, relating to a limit on spending increases of 5 percent at all levels of government. Providing that no government entity including the state, any state agency, city, town, school district, village district, water district, sewer district, county or other governmental entity shall increase its total spending by more than 5 percent per year, unless approved by a 2/3 vote of those members of the legislative body present and voting. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This resolution takes away local control of the budget process. Local voters should determine local spending. Vote 8-3. Rep. Cynthia A. McGovern for the Majority of Constitutional and Statutory Revision.

MINORITY: Testimony indicated that any governmental entity need only make its case to the respective legislative body in order to gain the necessary 2/3 recorded vote to increase spending beyond the 5 percent cap of the previous year's budget. It was pointed out by proponents of CACR 10, that the citizens must attend the various meetings in their towns and school districts in order to have impact on their tax rates.

This Constitutional Amendment was filed on behalf of New Hampshire citizens from across the state seeking some relief from rapidly increasing tax bills. The minority feels this question should go to the people for their consideration at the next election. Rep. Norman B. Lawrence for the Minority of Constitutional and Statutory Revision.

Rep. Welch moved that the Minority Report, Ought to Pass, be substituted for the Majority Report, Inexpedient to Legislate and spoke to his motion.

Reps. McGovern, Flanagan and Holden spoke against the motion.

Reps. Pepino and Lawrence spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 77

NAYS 270

YEAS 77

BELKNAP

Rosen, Ralph J.

Turner, Robert H.

Vogler, Charles C.

CARROLL

Daly, Robert J., Jr.

Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.

Cole, Kenneth A.

Cole, Stacey W.

Doucette, Richard F.

Hill, Douglas E.

Hunt, John B.

LaMar, David M.

Young, David A.

COOS

Buckley, C. Fitzgerald, III

Dumont, Robert E.

Merrill, Gerald P.

Oleson, Otto H.

GRAFTON

Hill, Richard L.

Stewart, Roger

HILLSBOROUGH

Alukonis, David J.

Barry, Janet G.

Brady, Carolyn L.

Domaingue, Jacquelyn M.

Donovan, Francis X.

Drabinowicz, A. Theresa

Dykstra, Leona

Elliott, Larry G.

Foote, Herbert N., Sr.

Frank, Nancy G.

Hunter, Bruce F.

Jasper, Shawn N.

Johnson, Lionel W.

Keefe, Edmund M.

Klose, John F.

Lachut, Ervin R.

Lawrence, Norman B.

Murphy, Robert E.

Ouellette, Robert O.
Riley, Frances L.
Wheeler, David K.

Pepino, Leo P.
Searles, Stanley N., Sr.
Wihby, Linda S.

Prestipino, Bartolo V.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Pfaff, Terence R.

Barberia, Richard A.
Shaw, Randall F.

Jacobson, Alf E.
Smith, Gerald R.

ROCKINGHAM

Anderson, Carl F., III
Dube, LeRoy S.
Gourdeau, Raymond H.
Micklon, Stephanie K.
Senter, Marilyn P.
Welch, David A.

Chase, Lawrence A., Jr.
Forsythe, Douglas G.
Johnson, Robert A.
Rosencrantz, James R.
Splaine, John E., Sr.

Drake, Herbert R.
Gage, Thomas U.
Kane, Cecelia D.
Roulston, Donald L.
Vaughn, Charles L.

STRAFFORD

Bernard, Mary E.
Flynn, Edward J.
Spencer, Leo J.

Dionne, Albert J.
Kincaid, William K.
Sullivan, Henry P.

Flynn, Anita A.
Musler, George T.
Vincent, Francis C.

SULLIVAN

Stamatakis, Carol M.

NAYS 270

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
White, James J.

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chase, Russell C.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Grodin, Richard A.
Metzger, Katherine H.
Pearson, Gertrude B.
Sawyer, Alfred P.

Barber, Robert E., Jr.
Foster, Katherine D.
Laurent, John J.
Miller, Jeffrey C.
Perry, David M.
Spear, Susan S.

Crutchley, Donald O.
Gordon, Irvin H.
Matson, William R.
Morse, JoAnn T.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Mayhew, Josephine
Woodburn, Jeffrey R.

Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Horton, Lynn C.
Marsh, Beaton
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Densmore, Edward D.
Guest, Robert H.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.

Bennett, Shirley M.
Copenhaver, Marion L.
Eno, Larry E.
Larson, Nils H., Jr.

Markley, J. Keith
Scanlan, David M.
Wadsworth, Karen O.

Ahrens, Frederick G.
Barry, Vivian
Bourque, Ann J.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Genest, Fernand A.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jenkins, Mary
Knight, Alice Tirrell
Lefebvre, Roland J.
Mason, Howard F.
McDowell, James E.
Messier, Irene M.
O'Rourke, JoAnne A.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Smith, Leonard A.
Stiles, Walter A.
Turgeon, Roland M.
Wright, George W.

Apple, Lowell D.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert
West, George M.

Bell, Juanita L.
Boucher, William P.
Buco, Stephen W.
Caswell, Albert, Jr.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Beverly A.
Hoelzel, Kathleen M.

Nordgren, Sharon L.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Amidon, Eleanor H.
Beaupre, Roland O.
Bowers, Dorothy C.
Cox, Gladys M.
Desrosiers, William J.
Dube, Ellen C.
Fields, Dennis H.
Goulet, Maurice E.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Kelley, Robert N.
Kress, Gloria W.
Lown, Elizabeth D.
McCann, Bonnie Lou
McNerney, Daniel P.
Moore, Elizabeth A.
Packard, Bonnie B.
Pignatelli, Debora B.
Reidy, Frank J.
Sallada, Roland A.
Soucy, Lillian E.
Tarpley, Nancy L.
Tyree, Paul M.
Young, Willard N.

MERRIMACK

Bardsley, Elizabeth S.
Braiterman, Thea G.
Dunn, Miriam D.
Gilbreth, Robert M.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Soldati, Jennifer
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Brown, Jeffrey M.
Campbell, Eunice M.
Conroy, Janet M.
Fesh, Robert M.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hollingworth, Beverly A.

Rose, William B.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Baldizar, Barbara J.
Biondi, Christine A.
Burkush, Peter A.
Daigle, Robert A.
Dodge, Emma M.
Dyer, Merton S.
Gagnon, Gabrielle V.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Jean, Romeo W.
King, John A.
Kurk, Neal M.
Lozeau, Donnalee M.
McCarthy, Daniel M.
McRae, Karen
Nardi, Theodora P.
Pappas, Toni
Provost, Gilles R.
Rheault, Lillian I.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Toomey, Daniel
Upton, Barbara A.

Beaton, Nancy C.
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Stio, Peter M.
Wallner, Mary Jane

Blanchard, MaryAnn N.
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Haynes, Richard L.
Hynes, Carolyn E.

Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Remick, Barbara R.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Stachowske, Vicki
 Weddle, Michael R.

Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Sytek, Donna P.
 Wright, David B.

King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Frechette, Roland A.
 Marston, Robert E.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Torr, Ann M.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Callaghan, Robert J.
 Gilmore, Gary R.
 Martling, W. Kent
 Parks, Joe B.
 Stewart, Glenn W.
 Tsiros, William
 Young, John B.

Brown, Julie M.
 Foss, Patricia H.
 Kinney, Paula J.
 McCann, William H., Jr.
 Pelley, Janet R.
 Swope, Warren L.
 Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
 Flint, Gordon B.
 Krueger, Richard H.
 Middleton, John A.
 Schotanus, Merle W.

Burling, Peter Hoe
 Harland, Jane A.
 Lucier, Edward A., Jr.
 Peyron, Fredrik

Domini, Irene C.
 Hinrichsen, Keith L.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

and the motion lost.

Question being the adoption of the Committee report, Inexpedient to Legislate.

Resolution adopted.

CACR 11, relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. Inexpedient to Legislate.

This legislation is not necessary as the Legislature does not write the rules for the Supreme Court. Vote 11-0. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Resolution adopted.

CACR 14, relating to removing members of the general court. Providing that the secretary of state shall request the resignation of or shall remove, if resignation is refused, any member of the general court who is absent from the legislature for at least 50 percent of the session days in a legislative session; vacancies be filled by appointment of the candidate with the next largest number of votes; if the member ran unopposed then a special election shall be held to fill the vacancy. Inexpedient to Legislate.

The Committee feels that some sort of removal process, as suggested by the bill, has merit. However, the Committee also feels that any process or rule providing for the removal of a General Court member must include members of the General Court. Vote 9-1. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Resolution adopted.

CACR 15, relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. Inexpedient to Legislate.

New Hampshire has a very representative form of government. It does not need this. Vote 10-0. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Resolution adopted.

HB 415-FN-A, to establish a political campaign financing fund. Inexpedient to Legislate.

This bill would establish a political campaign financing fund that would be financed by a one percent increase in the Rooms and Meals Tax. The Committee thought the intent of the bill had merit, but that this was not the best way to deal with campaign expenditure and contribution limitations. Vote 8-2. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Jacobson spoke in favor of the Committee Report.

Resolution adopted.

HB 21, relative to school administrative units. Inexpedient to Legislate.

The majority of the Committee feels that there is no real need for this piece of legislation. There is fear that this legislation would add an unnecessary layer of administration. Vote 11-5. Rep. Dennis R. Bolduc for Education.

Resolution adopted.

HB 420-FN-A, establishing a pilot guidance assistance program for grades 1-6 and making an appropriation therefor. Ought to Pass with Amendment.

The Committee majority agreed with the sponsor that the legislation could assist students in those districts having the highest dropout rates through early guidance and counseling, thereby encouraging them to complete their high school education. The Fiscal Note calls for state expenditures of \$125,000 in FY90 and \$125,000 in FY91. Vote 8-5. Rep. Leo J. Spencer for Education.

Amendment

Amend the bill by replacing section 1, 2 and 3 with the following:

1 Purpose. The purpose of this act is to promote dropout prevention starting in the earliest grades by remedying the situation in those school districts where the need for effective and comprehensive guidance and counseling in grades 1 through 6 is not adequately addressed because guidance counselors assigned to such grades handle too large a number of students by establishing a 3-year pilot guidance assistance program within the department of education.

2 Pilot Guidance Assistance Program Established. There is established a 3-year pilot guidance assistance program to be administered by the department of education. This program shall provide grants on an equal matching formula basis for the purpose of hiring additional guidance personnel in school districts with high dropout rates as determined by the department of education and based on dropout figures provided by school districts in order to achieve a guidance counselor to student ratio of 1 to 350.

3 Rulemaking; Eligibility Standards.

I. The commissioner, department of education, shall adopt rules pursuant to RSA 541-A, subject to the approval of the state board of education, for the purpose of administering the pilot program.

II. Grants shall be provided by the commissioner to successful applicant public elementary schools in school districts with high dropout rates which have more than 350 students for each guidance counselor. Such ratio shall be based upon enrollment of students as of the first day of school for each of the 3 years of the pilot program.

III. Agreement by the school district to match grant funds provided under the pilot program on an equal matching formula basis prior to receipt of such funds and to use such funds in order to achieve a guidance counselor to student ratio of 1 to 350.

Amend the bill by replacing section 5 with the following:

5 Membership. The membership of the committee shall be:

I. One member from the house of representatives, appointed by the speaker of the house.

II. One member from the senate, appointed by the president of the senate.

III. One member appointed by the governor.

IV. One guidance expert from the department of education, appointed by the commissioner.

V. One member of the state board of education, appointed by the chairman of the board.

VI. One member of the New Hampshire School Counselors Association, elementary division.

VII. One member of the New Hampshire Association of School Principals.

VIII. One elementary school guidance counselor participating in the pilot program, appointed by the commissioner, department of education.

AMENDED ANALYSIS

This bill establishes a pilot guidance assistance program to provide moneys on an equal matching formula basis to school districts with high dropout rates in order to achieve a guidance counselor to student ratio of 1 to 350.

The bill also establishes a committee to monitor the program and to make periodic reports to the speaker of the house, the president of the senate, the governor and the commissioner of the department of education.

The bill makes an appropriation for such purpose.

Amendment adopted.

Referred to Appropriations.

HB 447-FN, relative to state contribution to driver education. Inexpedient to Legislate.

While the Committee is sincerely concerned with the need for increased funding of driver education programs in participating schools, it also recognizes that one increase was legislated in 1987 (to the current \$75.00 per pupil level), and that this request to increase the state's contribution to \$150.00 per pupil is too ambitious at this time. The Fiscal Note calls for state expenditures of \$768,750.00 in FY90 and \$787,500.00 in FY91. Vote 9-3. Rep. Kathleen M. Hoelzel for Education.

Resolution adopted.

HB 640-FN, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan. Ought to Pass with Amendment.

The Committee felt that due to the fact that similar pieces of legislation concerning other school district withdrawals have passed, it is just following past practices con-

cerning the issue of withdrawing from area agreements. All districts concerned are in agreement. Vote 12-3. Rep. Herbert N. Foote, Sr. for Education.

Amendment

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 Contingency. If the Wakefield school district fails to create a cooperative school district with one or more neighboring districts before July 1, 1992, in accordance with the provisions of RSA 195:18, this act shall become null and void on July 1, 1992, and the Wakefield school district shall rejoin its previous authorized regional enrollment plan with the Rochester school district.

Amendment adopted.

Ordered to third reading.

HB 478, relative to withdrawal from a regional refuse disposal district. Inexpedient to Legislate.

The content of this bill will be covered in HB 722, regarding solid waste management districts. Vote 16-1. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

HB 729-FN, requiring labeling of solid waste collection containers by commercial waste haulers. Ought to Pass with Amendment.

A majority of the Committee feels that there is a need for labeling to know to whom the container belongs in case the following happens: (a) the container is on board a hauler involved in an accident; (b) the container is found to contain non-appropriate materials; (c) the container is removed without authorization. The amendment changes the wording to say that all solid and hazardous waste haulers shall mark containers in their possession. Vote 16-3. Rep. George T. Musler for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
requiring labeling of solid and hazardous waste
collection containers.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Container Identification. Amend RSA 149-M by inserting after section 11-a the following new section:

149-M:11-b Container Identification Required. All commercial solid waste haulers and municipalities holding a permit under RSA 149-M shall cause trash collection containers within their possession to be prominently marked with an identification name or logo.

2 New Paragraph; Fine; Commercial Markings. Amend RSA 149-M:12 by adding after paragraph IV the following new paragraph:

V. Commercial trash haulers or municipalities who violate the labeling requirements as provided in RSA 149-M:11-b shall be subject only to a fine of \$50 per day per container, notwithstanding paragraphs II and III.

3 New Section; Container Identification. Amend RSA 147-A by inserting after section 2 the following new section:

147-A:2-a Container Identification Required.

I. All commercial hazardous waste transporters and municipalities holding a permit under RSA 149-M shall cause trash collection containers within their possession to be prominently marked with an identification name or logo.

II. Hazardous waste transporters or municipalities who violate the labeling requirements of paragraph I shall be subject to a fine of \$50 per day per container, notwithstanding RSA 147-A:16 and 147-A:17.

4 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill provides that commercial solid and hazardous waste transporters and haulers and municipalities shall cause waste containers within their possession to be labeled with an identifying name or logo. This provision shall be enforced by the division of waste management. Fines of \$50 per day are provided for violations of this provision.

Amendment adopted.

Ordered to third reading.

HB 736, relative to a local option for incinerator siting. Inexpedient to Legislate.

The bill created a serious impediment to siting certain facilities needed as a part of New Hampshire's overall integrated response to its solid waste problems by requiring super majority two-thirds votes on such facilities, not just by the town in which it would be located, but by all adjoining towns as well. A town which had responded or a district which had resolved such an issue could be overruled by one town. Vote 19-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

HB 745-FN, relative to the hazardous material transportation advisory board. Re-refer to Committee.

While adding representatives from the hazardous material carrier industries and representatives from the general public to the Hazardous Material Transportation Advisory Board is a step in the right direction, this bill should be re-referred to broaden it in such a way that all oversight committees can be studied in terms of effectiveness and overlapping. Vote 18-0. Rep. Elizabeth M. Popov for Environment and Agriculture.

Re-referred to Environment and Agriculture.

HB 68, relative to certain division directors of the department of environmental services. Ought to Pass with Amendment.

This bill, as amended, includes consultation with the appropriate councils by the Commissioner of Environmental Services before the Commissioner nominates for appointment by Governor and Council the directors of the Divisions of Water Supply and Pollution Control and Air Resources. Qualifications for Director, Division of Water Supply and Pollution Control are broader, but the nominee must be a graduate civil or sanitary engineer. Effective date is "on passage" to expedite filling of position at Division of Water Supply and Pollution Control. Vote 10-2. Rep. Miriam D. Dunn for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Certain Division Directors. RSA 21-O:2, III(a) and (b) are repealed and reenacted to read as follows:

(a) The commissioner, after consultation with the water supply and pollution control council as established in RSA 21-O:7, shall nominate for appointment by the governor and council a director of water supply and pollution control. Each nominee shall be a graduate civil or sanitary engineer and shall be qualified by reason of education and experience.

(b) The commissioner, after consultation with the air resources council as established in RSA 21-O:11, shall nominate for appointment by the governor and council a director of air resources. Each nominee shall be qualified by reason of education and experience.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Stacey Cole offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the director of water supply and pollution control.

Amend the bill by replacing all after the enacting clause with the following:

1 Director of Water Supply and Pollution Control. RSA 21-O:2, III(a) is repealed and reenacted to read as follows:

(a) The commissioner, after consultation with the water supply and pollution control council as established in RSA 21-O:7, shall nominate for appointment by the governor and council a director of water supply and pollution control. Each nominee shall be a graduate civil or sanitary engineer and shall be qualified by reason of education and experience.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill is a request of the department of environmental services.

The bill reassigns the power to nominate the director of water supply and pollution control.

The bill also modifies the qualifications of the director of water supply and pollution control.

Rep. Cole spoke to his amendment.

Rep. Dunn spoke against the amendment.

Rep. Elizabeth Greene spoke in favor of the amendment.

Amendment adopted.

Question now being the adoption of the Committee report.

On a voice vote the Chair was in doubt and called for a division.

286 members having voted in the affirmative, and 34 in the negative, the report was adopted.

Ordered to third reading.

(Speaker in the Chair)

HB 287-FN, relative to the distribution of OHRV registration fees and the registration of motorcycles used for off highway recreational purposes. Inexpedient to Legislature.

The bill made owners of off highway license register with the Division of Motor Vehicle, Department of Safety. The problem was out-of-state owners not being able to register weekends. The second problem and section of the bill deals with a special \$1 restricted fund within a restricted dedicated fund reserved for motorcycle trail acquisition and improvement only. Many trails are leased and covered by improvements funded by snowmobiles, OHV and motorcycles. The accounting and long-range ramifications of splitting the outdoor motor vehicle fund used by the groups was felt by the Committee to be detrimental at this time. Vote 14-0. Rep. Gerard E. Powers for Executive Departments and Administration.

Resolution adopted.

HB 341-FN, relative to cosmetologists and pedicurists. Ought to Pass.

Pedicurists are currently operating in New Hampshire. It would seem reasonable to allow them to be licensed under the current Cosmetology and Barbers Board. The majority felt the pro-pedicurist group made an excellent case for their group. Fiscal note not available. Vote 6-5. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Ordered to third reading.

HB 249-FN, creating a wildlife conservation fund. Re-refer to Committee.

House Bill 249-FN is a good bill. It sets up a commission to start a wildlife fund to conserve lands in New Hampshire for future hunting, fishing, trapping and general recreational use. There are some parts of the bill that need looking into and there are other state agencies that may have a lot of input in this subject. They should and will be tapped. The Fiscal Note calls for undetermined state expenditures. Vote 13-2. Rep. Gerald R. Smith for Fish and Game.

Re-referred to Fish and Game.

HB 345-FN, relative to interference with hunters, trappers and fishermen. Ought to Pass with Amendment.

This bill makes it a violation to purposely interfere with a person or persons engaged lawfully in hunting, fishing or trapping activities. This bill is very similar to the one that passed the House in 1987. Vote 16-0. Rep. Lester R. Perham for Fish and Game.

Amendment

Amend RSA 207:57 as inserted by section 1 of the bill by replacing it with the following:

207:57 Harassment.

I. No person shall purposely obstruct or impede the participation of any individual in the lawful activity of hunting, fishing or trapping.

II. The provisions of paragraph I shall not apply to the actions of law enforcement officers and personnel of the department of fish and game in the performance of their official duties and shall not obstruct or impede the legal rights and normal activities of landowners or tenants including, but not limited to, farming, silviculture, mining and the right to limit trespass.

III. Any person violating the provisions of this section shall be guilty of a violation.

Amend section 2 of the bill by replacing it with the following:

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill prohibits the purposeful obstruction or impediment of the participation of any individual in the lawful activity of hunting, fishing or trapping.

Amendment adopted.

Ordered to third reading.

HB 92-FN, imposing liens on certain nursing homes. Ought to Pass with Amendment.

The Department of Health and Human Services has had problems recovering funds owed it when nursing homes are sold. Because of Federal regulations the Department has to refund those amounts the Federal Government determines are due it regardless of whether the State is able to collect from the nursing home in question. Even though the State may collect from the nursing home at some future date, in the meantime the funds are gone from the current budget. Therefore, it is desirable that the Department be given authority to place a lien on a nursing home that is being sold to guarantee that the amount due will be paid, and promptly. This bill authorizes such liens and spells out procedures in case less than 30 days advance notice of sale is given the Department. The amendment changes the requirement of 90 days notice to 30 days since it is often not known a sale will take place three months before it actually occurs. Vote 14-2. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 167:18-g, as inserted by section 1 of the bill by replacing it with the following:

167:18-g Liens on Skilled Nursing or Intermediate Care Facilities.

I. The director, division of human services, is authorized to place a lien on a skilled nursing or intermediate care facility before the sale of a facility enrolled as a provider in the medical assistance program for purposes of recovering amounts owed to the state as a result of previous medicaid assistance payments paid to the facility in recapture of depreciation upon sale of the facility. The director shall register the lien with the appropriate county registry of deeds, upon notification of the sale of any facility, as provided in paragraphs III and IV, owned and operated by the provider and any facility which the enrolled provider leases from an organization or person related to the provider.

II. For purposes of this section, an organization or person related to the provider means that the provider to a significant extent is associated or affiliated with or has control of or is controlled by the organization leasing the facility, or where common ownership exists when an individual or individuals have the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution. Common ownership exists when an individual or individuals possess significant ownership or equity in the provider and the institution leasing the facility.

III. Thirty days before the sale, except as provided in paragraph IV, of any skilled nursing or intermediate care facility which is enrolled as a provider in the medical assistance program, the seller shall notify the bureau of provider audits, office of

medical services, division of human services, of the impending sale, and the terms and conditions of the sale. The bureau of provider audits shall audit the sale and determine what amounts are owed to the state in recapture of depreciation, and inform the seller of the amount owed at sale. Depreciation shall be determined by the straight-line method of depreciation in which the cost of the assets or other basis, for example, fair market value in the case of donated assets, less their estimated salvage value, if any, is determined first. Such amount is then distributed in equal amounts over the period of the estimated useful life of the assets. Recapture of depreciation occurs to the extent that gain is experienced on the sale of the facility. Such amounts shall be paid in full upon sale of the facility. The seller may request an administrative hearing if the request is submitted in compliance with division rules for purposes of contesting the amount collected by the division, and if the seller prevails in the hearing, appropriate relief shall be granted.

IV. In the event that sale of a facility as provided under this section takes place less than 30 days after notice to the seller that such a sale will occur, the seller shall notify immediately the bureau of provider audits, office of medical services, division of human services, of the impending sale, and the terms and conditions of the sale. Upon such immediate notice to the bureau of provider audits, a lien shall automatically arise in favor of the state on the amounts estimated to be owed to the state in recapture of depreciation upon the sale of the facility. Such amounts shall be estimated in a reasonable and fair manner by the bureau based upon the best information available to the bureau at the time of notice from the seller. The director, division of human services, shall register the lien with the appropriate county registry of deeds as provided in paragraph I. Within 30 days of the creation of such lien, the bureau shall audit the sale as provided in paragraph III and shall determine the actual amount owed to the state. If the sale of the facility is completed prior to the completion of the audit, the seller shall provide the estimated amount in full to the division of human services. Upon completion of the audit, the bureau shall compare the estimated amount provided by the seller with the actual amount determined from the audit and shall make an adjustment accordingly.

V. Any person shall be fined \$500 for each day of a continuing violation who fails to provide 30 day notice or immediate notice pursuant to paragraph IV of an impending sale of a facility to the director, division of human services, as provided under this section. The director shall adopt rules, pursuant to RSA 541-A, relative to the imposition of such fines on a seller and waiver procedures for such fines when the seller can demonstrate good cause for delayed or no notification. Any person may appeal a decision of the director to the commissioner of health and human services. Appeals from decisions of the commissioner shall be in accordance with RSA 541.

VI. The director, division of human services shall adopt rules pursuant to RSA 541-A, to administer and enforce this section.

AMENDED ANALYSIS

This bill authorizes the director, division of human services, to place a lien on a skilled nursing or intermediate care facility before the sale of a facility enrolled as a provider in the medical assistance program for purposes of recovering amounts owed in recapture of depreciation upon sale of the facility.

The bill also authorizes the automatic creation of a lien on such facilities when the sale of the facility is completed in less than 30 days.

The bill was requested by the division of human services, department of health and human services.

Amendment adopted.

Ordered to third reading.

HB 376-FN, licensing physician assistants. Ought to Pass with Amendment.

This bill requires physician assistants practicing in New Hampshire to be licensed by the Board of Registration in Medicine. An advisory committee is to assist the Board in processing applications and adopting rules. The bill establishes penalties for violations and provides an appeals process. The amendment to the bill removes the provision that an applicant be of good moral character and reputation as the Committee feels this requirement is difficult to define. It also removes the provision that a physician assistant issue and dispense prescriptions. Vote 15-1. Rep. Toni Pappas for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 328-C:3, I as inserted by section 1 of the bill by replacing it with the following:

I. To apply for licensure by the board as a physician assistant, an applicant shall file a written application on forms provided by the board and pay an application fee. The applicant to be licensed shall:

(a) Have graduated from a physician assistant training program approved by the Committee on Allied Health Education and Accreditation or other board-approved accrediting agency.

(b) Have passed a national proficiency examination, as designated by the board.

(c) Maintain current national certification if required by a national certifying body.

Amend RSA 328-C:10 as inserted by section 1 of the bill by replacing it with the following:

328-C:10 Rulemaking. The board, in cooperation with the physician assistant advisory committee, shall adopt rules under RSA 541-A relative to:

I. The scope of practice for a licensed physician assistant.

II. Form and content of the application for licensure.

III. Application procedures.

IV. Conduct of hearings under RSA 328-C:6.

V. Standards for physician assistant education and training.

VI. Supervision of physician assistants.

VII. Notification of changes in employment.

VIII. Definition of supervision.

IX. Manner of recordkeeping under RSA 328-C:11.

X. Any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter.

Amendment adopted.

Referred to Executive Departments and Administration.

HB 168, relative to driver's license revocation or denial for involvement with drugs and alcohol. Inexpedient to Legislate.

The majority of the Committee, while strongly in favor of the idea of finding new tools to use on the problem of juvenile alcohol and drug involvement, objected to this bill because (a) it raised constitutional problems in its treatment of juveniles; (b) it

seemed objectionable on fairness grounds; and (c) it further tied the hands of juvenile court personnel attempting to deal with the problem already. Vote 10-8. Rep. Peter Hoe Burling for Judiciary.

Resolution adopted.

HB 288-FN, relative to penalties for aggravated DWI and for negligent homicide. Ought to Pass with Amendment.

This bill increases the penalty for aggravated driving while intoxicated where the driver was involved in a motor vehicle accident resulting in serious bodily injury from a misdemeanor to a class B felony. The amendment increases the penalty for negligent homicide when driving while intoxicated from a class B felony to a class A felony. Vote 9-8. Rep. David D. Hultgren for Judiciary.

Amendment

Amend the bill by replacing section 2 with the following:

2 Penalty Increased; Negligent Homicide. RSA 630:3 is repealed and reenacted to read as follows:

630:3 Negligent Homicide.

I. A person is guilty of a class B felony when he causes the death of another negligently.

II. A person is guilty of a class A felony when in consequence of his being under the influence of intoxicating liquor or a controlled drug while operating a propelled vehicle, as defined in RSA 637:9, III or a boat as defined in RSA 631:5, II, he causes the death of another.

III. In addition to any other penalty imposed, if the death of another person resulted from the negligent driving of a motor vehicle, the court may revoke the license or driving privilege of the convicted person for up to 7 years.

AMENDED ANALYSIS

This bill increases the penalty for aggravated driving while intoxicated where the driver was involved in a motor vehicle accident resulting in serious bodily injury from a misdemeanor to a class B felony. This bill also increases the penalty for negligent homicide from a class B felony to a class A felony when the person caused the death as a consequence of being under the influence by alcohol or drugs.

Amendment adopted.

Ordered to third reading.

HB 740-FN, prohibiting hazing. Inexpedient to Legislate.

The Committee voted unanimously to report this bill as Inexpedient to Legislate. The Committee was against hazing by any student organization as well as fraternities and sororities. It felt it was unnecessary to legislate a power to counteract this problem which is already in the hands of any college or university with its ability to suspend or remove from campus any student or body of students which acts contrary to its wishes. Vote 16-0. Rep. Alice B. Record for Judiciary.

Rep Lachance moved that the words Ought to Pass, be substituted for the Committee Report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Jasper and Record spoke against the motion.

Motion lost.

Question being the adoption of the Committee report, Inexpedient to Legislate.

Resolution adopted.

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability. Ought to Pass.

The Committee voted to allow an optional action to cities and towns to increase veterans exemption, and property tax exemption on residential property for a service-connected total disability. This is not mandated action, but enabling legislation in recognition of our veterans. Vote 14-2. Rep. Paul A. Golden for Municipal and County Government.

Ordered to third reading.

HB 610-FN, to provide property tax credits for Hampton residents who are not connected to a sewer line. Inexpedient to Legislate.

House Bill 610 appears to legalize a practice that appears to be illegal under the tax statutes. No official of the Town of Hampton appeared in favor. The Committee feels that this kind of problem should be handled through the assessment process. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

Resolution adopted.

HB 644-FN, enabling cities and towns to adopt an optional veterans exemption. Inexpedient to Legislate.

The Committee was of the opinion HB 389-FN covered the immediate needs of the veterans adequately. Passage of HB 644-FN would result in confusion with respect to RSA 72:28-a. Vote 15-1. Rep. George M. West for Municipal and County Government.

Rep. Grodin moved that HB 644 be recommitted to the Committee on Municipal and County Government.

Motion adopted.

HCR 4, relative to a free and independent Palestinian state. Inexpedient to Legislate.

The Committee, after hearing considerable testimony from both sides of this issue, feels that the New Hampshire Legislature is not the appropriate forum in which to discuss issues of national foreign policy; such discussions are more appropriate to the national and international forums where, in fact, they are already taking place. Vote 16-0. Rep. John H. Meserve for State-Federal Relations.

Resolution adopted.

HB 580-FN, relative to surplus land and the housing finance authority. Inexpedient to Legislate.

The bill would create a bureaucratic procedure where none is needed. State agencies give up land more rarely than the sea gives up its dead. So, the procedure would be rarely used. Vote 12-4. Rep. Scott E. Green for State Institutions and Housing.

Rep. Bardsley moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Green and Palumbo spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 92

NAYS 258

**YEAS 92
BELKNAP**

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Dickinson, Howard C., Jr.

Dodge, Arthur G., Jr.

CHESHIRE

Avery, Stephen G.

Barber, Robert E., Jr.

Cole, Kenneth A.

Doucette, Richard F.

Hill, Douglas E.

LaMar, David M.

Pearson, Gertrude B.

Spear, Susan S.

COOS

Mayhew, Josephine

GRAFTON

Copenhaver, Marion L.

Guest, Robert H.

Wadsworth, Karen O.

Wiggin, Allen R.

Blacketor, Paul G.

Foster, Katherine D.

Metzger, Katherine H.

HILLSBOROUGH

Baldizar, Barbara J.

Barry, Janet G.

Dube, Ellen C.

Dwyer, Patricia R.

Foote, Herbert N., Sr.

Hall, Betty B.

Knight, Alice Tirrell

Lefebvre, Roland J.

Messier, Irene M.

Murphy, Robert E.

O'Rourke, JoAnne A.

Pignatelli, Debora B.

Reidy, Frank J.

Smith, Leonard A.

Toomey, Daniel

Bourque, Ann J.

Dykstra, Leona

Jenkins, Mary

McCann, Bonnie Lou

Nardi, Theodora P.

Prestipino, Bartolo V.

Soucy, Lillian E.

MERRIMACK

Barberia, Richard A.

Bardsley, Elizabeth S.

Boucher, Laurent J.

Carter, Susan D.

Fair, Patricia A.

Johnson, C. William

Trombly, Rick A.

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn N.

Campbell, Eunice M.

Conroy, Janet M.

Drake, Herbert R.

Hollingworth, Beverly A.

Hynes, Carolyn E.

Katsakiores, Phyllis M.

MacKinnon, Nancy W.

Pantelakos, Laura C.

Popov, Elizabeth M.

Roulston, Donald L.

Splaine, John E., Sr.

Weddle, Michael R.

Caswell, Albert, Jr.

Hoar, John, Jr.

Kane, Cecelia D.

McGovern, Cynthia A.

Rosencrantz, James R.

Vaughn, Charles L.

STRAFFORD

Callaghan, Robert J.

Dionne, Albert J.

Keans, Sandra B.

Kincaid, William K.

Marston, Robert E.

McCann, William H., Jr.

Pelley, Janet R.

Scharff, Thomas E.

Wheeler, Katherine Wells

Young, John B.

SULLIVAN

Brodeur, Robert J.

Flint, Gordon B.

Stamatakis, Carol M.

Gilmore, Gary R.

Lachance, Douglas A.

Merrill, Amanda A.

Spencer, Leo J.

Harland, Jane A.

NAYS 258**BELKNAP**

Ballou, Richard A.

Bolduc, Dennis R.

Hardy, Earle D.

Hawkins, Robert S.

Pearson, Ralph W.

Randall, Kenneth A.

Campbell, Richard H., Jr.

Holbrook, Robert G.

Rice, Thomas E. P., Jr.

Richardson, Lawrence
Vogler, Charles C.

Allard, Nanci A.
Daly, Robert J., Jr.
Olimpio, J. Lisbeth

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Morse, JoAnn T.
Sawyer, Alfred P.

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

Adams, Carl S.
Bennett, Shirley M.
Densmore, Edward D.
Eno, Larry E.
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.

Ahrens, Frederick G.
Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.
Desrosiers, William J.
Donovan, Francis X.
Dyer, Merton S.
Fields, Dennis H.
Genest, Fernand A.
Grip, Robert H.
Hatch, William H.
Hultgren, David D.
Johnson, Lionel W.
King, John A.
Kurk, Neal M.
Lown, Elizabeth D.
McCarthy, Daniel M.
McRae, Karen
Packard, Bonnie B.
Perham, Lester R.
Rheault, Lillian I.
Sallada, Roland A.
Steiner, Lee Anne S.

Rosen, Ralph J.
White, James J.

CARROLL

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Crutchley, Donald O.
Grodin, Richard A.
Matson, William R.
Perry, David M.
Young, David A.

COOS

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David O.
Hill, Richard L.
Markley, J. Keith
Stewart, Roger
Weymouth, Philip H.

HILLSBOROUGH

Alukonis, David J.
Bicknell, Robert C.
Brady, Carolyn L.
Daigle, Robert A.
Dodge, Emma M.
Drabinowicz, A. Theresa
Elliott, Larry G.
Frank, Nancy G.
Goulet, Maurice E.
Guilbert, Lionel
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.
Klose, John F.
Lachut, Ervin R.
Lozeau, Donnalee M.
McDowell, James E.
Moore, Elizabeth A.
Pappas, Toni
Provost, Gilles R.
Riley, Frances L.
Schneiderat, Catherine A.
Stiles, Walter A.

Turner, Robert H.
Ziegra, Alice S.

Chase, Russell C.
MacDonald, Kenneth J.
Saunders, Howard N.

Delano, Robert F.
Hunt, John B.
Miller, Jeffrey C.
Pratt, Irene A.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald P.
Therault, Romeo J.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
LaMott, Paul I.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Amidon, Eleanor H.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Green, Scott E.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Norman B.
Mason, Howard F.
McNerney, Daniel P.
Ouellette, Robert O.
Pepino, Leo P.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.

Turgeon, Roland M.
 Vanderlosk, Stanley R.
 Wright, George W.

Tyree, Paul M.
 Wheeler, David K.
 Young, Willard N.

Upton, Barbara A.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Daneault, Gabriel
 Gilbreth, Robert M.
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.

Apple, Lowell D.
 Fillion, Paul R.
 Gross, Caroline L.
 Holmes, Mary C.
 Lockwood, Robert A.
 Pantzer, Eugene E.
 Shaw, Randall F.
 Teague, Bert

Braiterman, Thea G.
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Jacobson, Alf E.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Smith, Gerald R.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Bucu, Stephen W.
 Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur

Bell, Juanita L.
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Parr, Ednaparl F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Stachowske, Vicki
 Welch, David A.

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna P.
 Wright, David B.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Edward J.
 Kinney, Paula J.
 Stewart, Glenn W.
 Torr, Ann M.
 Wall, Janet G.

Bernard, Mary E.
 Burton, Wayne M.
 Foss, Patricia H.
 Martling, W. Kent
 Sullivan, Henry P.
 Tsiros, William

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.
 Parks, Joe B.
 Swope, Warren L.
 Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe
 Krueger, Richard H.
 Middleton, John A.
 Schotanus, Merle W.
 and the motion lost.
 Resolution adopted.

Domini, Irene C.
 Lucier, Edward A., Jr.
 Peyron, Fredrik

Hinrichsen, Keith L.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

HB 339-FN, relative to the interest rate awarded following an abatement of property taxes. Inexpedient to Legislate.

Testimony from some Representatives and also from some town administrators indicated that passage of this bill would place an unfair burden on municipalities. Other testimony in opposition related that this bill would penalize municipalities and in some cases severely. Vote 16-0. Rep. Gabriel Daneault for Municipal and County Government.

Rep. Ouellette moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate.

Reps. West and Grodin spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

HB 220-FN, relative to managing tax supported state debt. Inexpedient to Legislate.

House Bill 220 has similar subject material as HB 715 which is also in Public Works. The Committee reports HB 220 as Inexpedient without prejudice and will consider its content at the same time as HB 715. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Rep. Phelps explained the position of the Committee.

Rep. Marsh moved that the bill be Laid upon the Table.

Motion adopted.

HB 242-FN-A, relative to video poker machines. Inexpedient to Legislate.

It was the unanimous opinion of the Committee that the benefits left, after giving 50% of the gross proceeds to the distributors, would be so little to the public after clubs also took their cut that this was a special bill for a small group. The Committee felt, at this time, it should not legalize this form of machine gambling without equitable paybacks and safeguards for the state and the public. Vote 14-0. Rep. Robert F. Delano for Regulated Revenues.

Rep. Therriault moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate.

Rep. Kenneth MacDonald spoke against the motion.

Rep. Pantelakos spoke in favor of the motion and yielded to questions.

(Rep. Palumbo in the Chair)

Rep. Kelley spoke against the motion.

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

YEAS 97

NAYS 253

**YEAS 97
BELKNAP**

Richardson, Lawrence

CARROLL

Dickinson, Howard C., Jr. Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.

Cole, Kenneth A.

Doucette, Richard F.

Hunt, John B.

LaMar, David M.

Matson, William R.

Pratt, Irene A.

Dumont, Robert E.
Lemire, George
Theriault, Romeo J.

Bennett, Shirley M.
Eno, Larry E.
Scanlan, David M.

Barry, Janet G.
Bourque, Ann J.
Donovan, Francis X.
Green, Scott E.
Lachut, Ervin R.
Murphy, Robert E.
Ouellette, Robert O.
Soucy, Lillian E.
Turgeon, Roland M.

Apple, Lowell D.
Braiterman, Thea G.
Jacobson, Alf E.

Anderson, Carl F., III
Ford, Bert H.
Hoelzel, Kathleen M.
Mace, Ada L.
Palazzo, Frank J., Sr.
Rosencrantz, James R.
Weddle, Michael R.

Brown, Julie M.
Kincaid, William K.
McCann, William H., Jr.
Tsiros, William

Brodeur, Robert J.
Lucier, Edward A., Jr.

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.
Ziegra, Alice S.

Spear, Susan S.

COOS

Guay, Lawrence J.
Merrill, Gerald P.
Woodburn, Jeffrey R.

GRAFTON

Chambers, Mary P.
Hill, Richard L.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Barry, Vivian
Burkush, Peter A.
Dwyer, Patricia R.
Johnson, Lionel W.
Lefebvre, Roland J.
Nardi, Theodora P.
Prestipino, Bartolo V.
Steiner, Lee Anne S.
Wihby, Linda S.

MERRIMACK

Beaton, Nancy C.
Daneault, Gabriel
Pfaff, Terence R.

ROCKINGHAM

Boucher, William P.
Forsythe, Douglas G.
Kane, Cecelia D.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Roulston, Donald L.

STRAFFORD

Dionne, Albert J.
Kinney, Paula J.
Pelley, Janet R.
Vincent, Francis C.

SULLIVAN

Hinrichsen, Keith L.

NAYS 253

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Young, David A.

Kilbride, Dennis J.
Nelson, Harold D.

Driscoll, William J.
LaMott, Paul I.

Biondi, Christine A.
Daigle, Robert A.
Elliott, Larry G.
Klose, John F.
McRae, Karen
O'Rourke, JoAnne A.
Reidy, Frank J.
Toomey, Daniel

Boucher, Laurent J.
Dunn, Miriam D.
Whittemore, James A.

Drake, Herbert R.
Haynes, Richard L.
MacKinnon, Nancy W.
Micklon, Stephanie K.
Remick, Barbara R.
Sochalski, Matthew M.

Frechette, Roland A.
Lachance, Douglas A.
Sullivan, Henry P.

Krueger, Richard H.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
White, James J.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chase, Russell C.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
Metzger, Katherine H.
Pearson, Gertrude B.

Barber, Robert E., Jr.
Delano, Robert F.
Grodin, Richard A.
Miller, Jeffrey C.
Perry, David M.

Cole, Stacey W.
Foster, Katherine D.
Laurent, John J.
Morse, JoAnn T.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Mayhew, Josephine

Horton, Lynn C.
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Dow, David O.
Markley, J. Keith
Stewart, Roger
Wadsworth, Karen O.

Arnesen, Deborah L.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Densmore, Edward D.
Larson, Nils H., Jr.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Brady, Carolyn L.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Frank, Nancy G.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hatch, William H.
Hunter, Bruce F.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
Mason, Howard F.
McDowell, James E.
Moore, Elizabeth A.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Young, Willard N.

Alukonis, David J.
Bicknell, Robert C.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dyer, Merton S.
Fields, Dennis H.
Gagnon, Gabrielle V.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Kress, Gloria W.
Lown, Elizabeth D.
McCann, Bonnie Lou
McNerney, Daniel P.
Pappas, Toni
Pignatelli, Debora B.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tyree, Paul M.
Wheeler, David K.

Amidon, Eleanor H.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dykstra, Leona
Foote, Herbert N., Sr.
Genest, Fernand A.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
King, John A.
Kurk, Neal M.
Lozeau, Donnalee M.
McCarthy, Daniel M.
Messier, Irene M.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Schneiderat, Catherine A.
Stiles, Walter A.
Upton, Barbara A.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Carter, Susan D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Soldati, Jennifer
Wallner, Mary Jane

Barberia, Richard A.
Fair, Patricia A.
Gilbreth, Robert M.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
West, George M.

Bardsley, Elizabeth S.
Fillion, Paul R.
Gross, Caroline L.
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Trombly, Rick A.

ROCKINGHAM

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Eunice M.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Gage, Beverly A.
Greene, Elizabeth A.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McGovern, Cynthia A.
Parr, Ednapearl F.
Raynowska, Bernard J.
Schmidtchen, Rowland
Sherburne, John L.
Stachowske, Vicki
Vaughn, Charles L.
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Thomas U.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McKinney, Betsy
Parsons, Robert F.
Ritzo, Eugene
Senter, Marilyn P.
Skinner, Patricia M.
Sytek, Donna P.
Warburton, Calvin

Blanchard, MaryAnn N.
Bucu, Stephen W.
Caswell, Albert, Jr.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCain, William F.
Palumbo, Vincent J., Jr.
Popov, Elizabeth M.
Sanderson, Patricia O.
Seward, Russell G.
Splaine, John E., Sr.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Flynn, Edward J.
Marston, Robert E.
Parks, Joe B.
Stewart, Glenn W.
Wall, Janet G.

Bernard, Mary E.
Callaghan, Robert J.
Foss, Patricia H.
Martling, W. Kent
Scharff, Thomas E.
Swope, Warren L.
Wheeler, Katherine Wells

Bickford, Drucilla
Flynn, Anita A.
Gilmore, Gary R.
Merrill, Amanda A.
Spencer, Leo J.
Torr, Ann M.
Young, John B.

SULLIVAN

Burling, Peter Hoe
Harland, Jane A.
Peyron, Fredrik
Stamatakis, Carol M.
and the motion lost.
Resolution adopted.

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Flint, Gordon B.
Middleton, John A.
Schotanus, Merle W.

HB 436-FN-A, relative to sewage treatment funds and making an appropriation therefor. Ought to Pass.

This bill will enable communities across New Hampshire to meet their obligations to build or rebuild sewage treatment facilities mandated by Environmental Protection Agency regulations. Federal grants will go out of existence shortly and communities cannot afford to pick up 80% of the cost of a project. This bill provides 50% funding by the state for eligible costs of a project. It is an essential component in the state's efforts to continue cleanup of New Hampshire lakes and rivers. There was no testimony in opposition to the bill. The New Hampshire Municipal Association supported the bill. Vote 14-1. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Rep. Dickinson yielded to questions.

Referred to Appropriations.

RECONSIDERATION

Having voted with the prevailing side, Rep. Keans moved that the House reconsider its action whereby it passed HB 640, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan.

Rep. Skinner spoke in favor of the motion.

Motion adopted.

Rep. Skinner moved that HB 640 be recommitted to the Committee on Education.

Motion adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, March 9 at 1:00 p.m.

LATE SESSION

Third reading and final passage

HB 523, relative to a privilege for confidential communications between guardian ad litem and child.

HB 625-FN, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses.

HB 475, requiring the full legal name of persons on ballots and on checklists.

HB 484, relative to checkout procedures after votes are cast.

HB 138-FN, providing for a supported employment program and for an independent living program.

HB 50, exempting the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services.

HB 151-FN-A, continually appropriating revenue from certain OHRV fines.

HB 187-FN, relative to the rulemaking authority of the board of medicine.

HB 209-FN, establishing a committee to study the accessibility of nursing home care.

HB 499, relative to administration of medications to clients receiving services in the state mental health system.

HB 221, exempting health care facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime.

HB 298-FN, relative to the statute of limitations for actions against governmental units.

HB 494, relative to the transition period for a new state treasurer and a new secretary of state.

HB 338, relative to the authority of the Hillsborough county convention to employ a delegation coordinator.

HB 454-FN, relative to the interest due on property tax bills.

HB 456, changing the due date for county taxes.

HB 590-FN, relative to submitting municipal financial reports to the department of revenue administration.

HB 148-FN, relative to relocation assistance and real property acquisition.

HB 241-FN, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics.

HB 292-FN, extending the study and evaluation of state Route 101A corridor in the Nashua region.

HB 336, relative to senior citizen bingo games.

HB 46, relative to applications for approval of plans for a waste disposal system which contain encroachment waiver requests.

HB 130-FN, requiring certification of operators of pollution control facilities and relative to renewals of water works operator certificates.

HB 131-FN, relative to protective well radii for private water wells.

HB 492, relative to recreational campgrounds and camping parks.

HB 213-FN, relative to water tests for private wells.

HB 314, relative to expanded polystyrene in the construction of houses.

HB 498, relative to publication of information on certain juvenile offenders.

HB 729-FN, requiring labeling of solid and hazardous waste collection containers.

HB 68, relative to the director of water supply and pollution control.

HB 341-FN, relative to cosmetologists and pedicurists.

HB 345-FN, relative to interference with hunters, trappers and fishermen.

HB 92-FN, imposing liens on certain nursing homes.

HB 288-FN, relative to penalties for aggravated DWI and for negligent homicide.

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability.

Rep. Chase moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:40 p.m.

RECESS

(Deputy Speaker Burns in the Chair)

Rep. Beverly Gage moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 12

Thursday, March 9, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Lord God, we come with hearts and minds full, full of facts and figures and human stories, full of the lists of competing needs and desires. Some of us are overwhelmed and would gladly yield our seats to anyone else. We are painfully aware that we cannot be all things to all people, and may be tempted, therefore, to do less for everybody.

Yet there is much we can do. We can listen with compassion and patience. We can try earnestly to imagine what life is really like for those whose needs are the greatest. We can try to be well informed as we make tough decisions.

Draw near to us and remind us that the longest march begins with the first step. Be with us today, so that mercy and justice may be made real in us and in the lives of those who have chosen us to represent them. Amen.

Rep. Holbrook led the the House in the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Manus, Daniel Eaton and Cote, the day, illness.

Reps. Channing Brown, Lionel Boucher, Jones, Caswell, Peters, Behrens, Dyer, Braiterman, Bolduc, Burkush, Parsons, Nancy Ford, Robert Hayes, Hynes and Kincaid, the day, important business.

Rep. Bardsley, the day, death in the family.

Reps. Joseph MacDonald and Doucette, the day, illness in the family.

INTRODUCTION OF GUESTS

Ines Ferriter and Dorothy Flint, guests of Rep. Flint; members of the fourth grade at Inter-Lakes Elementary School in Meredith, guests of Reps. Hardy and Vogler; Mary Ritzo, wife of Rep. Ritzo; Marianne Dow, niece of Rep. Dow; Jason Vittum and Matthew Thurlow, guests of Rep. Dow; Cindy Grimard-Goss, guest of Rep. Burton; and Donna McCain, guest of Rep. McCain.

COMMITTEE REPORTS**(Consent Calendar)**

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 651, relative to adoption fees and information about birth parents, was removed at the request of Rep. Hunt.

HB 425, revising the school building aid system, was removed at the request of Rep. Robinson.

HB 653, regarding credit on solid waste disposal delivery contracts, was removed at the request of Rep. Harland.

HB 189, increasing the minimum wage law, was removed at the request of Rep. Sytek.

HB 280, relative to the liability of co-employees in workers' compensation, was removed at the request of Rep. Woodburn.

HB 171, relative to fees at certain state park beaches, was removed at the request of Rep. Ritzo.

Adopted.

HB 530-FN, relative to drug penalties and drug and alcohol education and rehabilitation programs. Re-refer to Committee.

This bill covers areas already addressed in two other pieces of legislation in addition to one major area deemed as possibly unconstitutional. The additional item can and will be addressed as the year progresses. It is independent of the other two sections represented in other legislation. Vote 14-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 624-FN, relative to penalties for violations of motor vehicle laws by minors. Re-refer to Committee.

This bill has merit and addresses an area of the law that would also be reviewed under the HB 416 study (that bill was also re-referred) to totally review RSA 169 Chapters, relative to juvenile laws. The entire study will be a part of HB 262 which will be before the House within a week. Vote 15-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 285-FN, relative to liens on real property for hazardous waste cleanup costs. Ought to Pass.

Since the state retains the right to place a lien on a "contaminated" property, the Committee felt the need for a super lien is less crucial than the need to insure home mortgage funds are available for New Hampshire citizens. The bill does not remove owners from liability for any environmental damage. Vote 14-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 300-FN-A, relative to studying access to medical care for persons without health insurance and making an appropriation therefor. Ought to Pass with Amendment.

The Committee unanimously recognizes that New Hampshire, like the rest of the nation, is facing a healthcare crisis. The question that will be determined by the survey to be conducted by the Committee created by HB 300 is the nature and extent of the problem in our state and the types of solutions that should be devised to address the access and affordability question. The Fiscal Note calls for state expenditures of \$30,000 in FY91. Vote 13-0. Rep. Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Purpose. The general court recognizes that access to medical care is limited or unavailable to many citizens of this state whose income, resources and health insurance are insufficient to meet the cost of necessary medical services and who are not currently eligible for the federally-assisted Medicaid program. The general court recognizes that inadequate health coverage discourages the prevention of serious medical conditions, creates severe hardship and suffering for the individual in need of care, and leads to increased use of costly tertiary care, particularly in-patient hospital care. Due to hospital cost-shifting from the uninsured to the insured, purchasers of health

insurance are currently bearing much of the cost of caring for persons who cannot afford health insurance. To address this complex problem, it is necessary to establish a committee which is sufficiently funded to conduct a survey designed to measure the exact nature and extent of the health care access problem in New Hampshire and to develop a legislative proposal for a program that would increase the availability of necessary, basic health coverage for New Hampshire's low-income citizens.

Amend the introductory paragraph of paragraph III of section 2 of the bill by replacing it with the following:

III. Appointments to the committee authorized in paragraph II shall be made within 30 days of the effective date of this act. The member of the house of representatives appointed to the committee shall convene the first meeting of those appointed in paragraph II within 60 days of this act. At the first meeting, the members of the committee appointed in paragraph II shall appoint 7 additional members, including:

Amend subparagraph III(d) of section 2 of the bill by replacing it with the following:

(d) One individual from a college, university, or medical school who is knowledgeable about health planning, management, or policy issues.

Amend subparagraph I(d) of section 3 of the bill by replacing it with the following:

(d) The health care utilization rates of the low-income uninsured, including information on the extent to which the uninsured are medically disadvantaged by their lack of income, resources or adequate health insurance.

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. The committee shall report to the speaker of the house, the senate president, and the governor no later than December 1, 1989. In addition to the survey results, the report shall contain a proposal for a program which will increase the availability of affordable basic health coverage to New Hampshire's low-income citizens. This proposal shall be based on the survey results and upon information gathered by previous task forces, study committees, and advisory committees that have considered this problem. The proposal shall contain the following:

(a) An outline of basic health care coverage using the following guidelines:

(1) A schedule of services emphasizing preventive and primary health care; and

(2) A schedule of services, including all services necessary for pre-natal, post-natal and well-child care.

(b) A description of the plan structure, including:

(1) Whether it shall be a prepaid, capitated plan for managed health care or a fee for service plan;

(2) Utilization review requirements; and

(3) Quality assurance requirements.

(c) Income eligibility guidelines and other eligibility and enrollment conditions as deemed necessary and appropriate. Among such conditions, the committee shall consider the advisability of using a sliding fee scale for determining the required enrollee contribution to premium payments.

(d) An outline of program administration, including:

(1) A description of the agency that is to administer the program and whether it is to be an existing state agency, a new agency, or a private contract administrator;

(2) Methods for marketing the plan to best serve low-income and uninsured individuals and to minimize adverse selection and poor risk distribution. In arriving at its marketing proposals, the committee shall consider whether or not to market the plan through a joint sponsorship program with private employers; and

(3) A description of how the agency administering the program should make eligibility determinations and how it should go about contracting with health care providers or underwriters and evaluating ongoing contractor performance.

(e) Recommendations for tailoring eligibility for the program and other program characteristics to most efficiently reduce the gap between those eligible for the Medicaid program and those covered by private health insurance. Such recommendations shall also address the advisability of expanding Medicaid eligibility and services and shall include a specific proposal on such expansion.

(f) Recommendations on how the program should be funded.

(g) A description of the methods and steps by which the program is to be brought into operation.

Amend paragraph III of section 3 of the bill by deleting it.

Amend the bill by replacing section 4-6 with the following:

4 Cost Estimate. The committee shall use whatever resources are available to arrive at a cost estimate for the program that it recommends. This estimate shall be submitted with the committee's report. If sufficient private or other funding becomes available, the committee shall contract for the development of an actuarial model that shall project cost and utilization estimates under various sets of assumptions regarding covered services, enrollees, enrollee cost sharing, and provider payment levels.

5 Powers of the Committee. The committee may contract with professional consultants or hire staff or consultants as necessary and appropriate to carry out its duties. The committee may seek private funding or federal matching funds as necessary and appropriate to carry out its duties. To the extent possible, the office of the commissioner of the department of health and human services, the house of representatives, and the senate shall provide staff support. All state agencies are directed to cooperate fully and promptly with any requests for information from the committee.

6 Appropriation. The sum of \$30,000 for the fiscal year ending June 30, 1990, is appropriated to the office of the commissioner of the department of health and human services for the use of the committee established in section 2 for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 335, relative to auctioneers. Inexpedient to Legislate.

In that the auctioneer community unanimously opposed the bill with the sponsor the sole supporter, there is no compelling reason to pass this legislation. The Uniform Commercial Code is recognized as sufficient and complete guidelines. This bill would not improve regulations of the industry or provide further perceived protection. Vote 12-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

HB 558, relative to accessible polling places. Inexpedient to Legislate.

This bill is not necessary. Accessibility is already required by Federal Law. Vote 10-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

HB 90-FN, relative to distribution of the Carl Perkins grant. Inexpedient to Legislate.

The Committee feels that the Carl Perkins Grant distribution should not be changed at this time. The bill was filed out of frustration with the distribution formula and a state advisory committee is looking into the problem with a report due in six months. The legislative committee established by RSA 188-F:37, 38, 39, also has a purview of this matter. Vote 16-0. Rep. Kathleen M. Hoelzel for Education.

HB 399-FN-A, relative to an emergency loan fund for school district facilities and making an appropriation therefor. Re-refer to Committee.

The Committee believes portions of this bill have merit; however, it is an omnibus bill with many different topics included in it. The Committee also received several amendments that would have altered the main context of the bill. The Committee needs the extended time period to thoroughly go through the bill and tighten up the loose ends. Vote 18-0. Rep. Dennis R. Bolduc for Education.

HB 406-FN-A, establishing a municipal new school building fund and making an appropriation therefor. Inexpedient to Legislate.

This bill would set up a non-lapsing appropriation of four million dollars to create a municipal new school building fund to help districts fund new school construction projects undertaken between January 1, 1986, and January 1, 1989. The Committee feels that prioritizing its efforts through support of full funding for building aid is a more appropriate response to the needs of the local school districts. The Fiscal Note calls for state expenditures of \$4,543,360 in FY90. Vote 14-0. Rep. Jacquelyn M. Domaingue for Education.

HB 410-FN-A, relative to the nursing scholarship program and making an appropriation therefor. Ought to Pass with Amendment.

The bill authorizes the Postsecondary Education Commission to establish a maximum amount of money to be provided under the program for nursing education. The amendment would further allow private contributions, if any, to be included in the fund. The Committee feels this approach will help address a continuing shortage of nurses in New Hampshire. The Fiscal Note calls for state expenditures of \$50,000 in FY90 and \$50,000 in FY91. Vote 12-3. Rep. Herbert N. Foote, Sr. for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to nursing scholarships and making an appropriation therefor

Amend the bill by replacing all after the enacting clause with the following:

1 Nursing Scholarship Program. Amend RSA 188-D:14 to read as follows:

188-D:14 Nursing Scholarships. The commission shall administer a nursing scholarship program. [Financial assistance shall be provided to qualified individuals who are residents in good faith of this state and need such assistance to attend nursing training programs approved by the commission. The loans shall be for basic training in professional or practical nursing given in New Hampshire, and for graduate courses in nursing.]

2 Rulemaking Authority Expanded. Amend RSA 188-D:15 to read as follows:

188-D:15 Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the scholarship program, including *establishing a reasonable maximum*

amount of money provided to a recipient under the program and a reasonable frequency of such loans, and setting minimum qualifications of applicants who are not registered nurses.

3 Requirements and Terms Consolidated. RSA 188-D:16 is repealed and reenacted to read as follows:

188-D:16 Requirements; Terms.

I. Financial assistance shall be provided to qualified individuals who are residents in good faith of this state and need such assistance to attend nursing education programs approved by the commission. The loans shall be for education in professional or practical nursing given in New Hampshire, and for graduate courses in nursing.

II. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. The commission may require recipients to agree in writing to work as nurses in New Hampshire for a substantial period following completion of their training.

4 Deletion of Limits on Loan Awards. RSA 188-D:17 is repealed and reenacted to read as follows:

188-D:17 Loans. The commission shall submit annually to the state treasurer a list of loan recipients and the amount awarded to each recipient. The loans shall be paid through the financial aid office of the school in which the recipient is enrolled. The commission shall establish the maximum amount of money to be provided to a student, and the frequency of such loans, for completion of studies over the course of training to be a nurse, provided, however, that such amount and frequency shall be reasonable.

5 New Subdivision; Nursing Leveraged Scholarship Loan Program Established. Amend RSA 188-D by inserting after section 18 the following new subdivision:

Nursing Leveraged Scholarship Loan Program.

188-D:18-a Program Established. There is established a nursing leveraged scholarship loan program to be administered by the postsecondary education commission for the benefit of students pursuing approved programs of nursing study.

188-D:18-b Rulemaking. The commission shall adopt rules, under RSA 541-A, to carry out the leveraged scholarship loan program, including *establishing a reasonable maximum amount of money provided to a recipient under the program and a reasonable frequency of such loans, and* setting minimum qualifications of applicants who are not registered nurses.

188-D:18-c Requirements; Terms; Source of Funds.

I. Financial assistance shall be provided to qualified individuals who are residents in good faith of this state and need such assistance to attend nursing education programs approved by the commission. The loans shall be for education in professional or practical nursing given in New Hampshire, and for graduate courses in nursing.

II. Recipients shall be chosen only on the basis of financial need. Each loan recipient shall sign a note to the state treasurer for the amount of each payment. The commission may require recipients to agree in writing to work as nurses in New Hampshire for a substantial period following completion of their training.

III. Educational institutions which are eligible for receipt of money provided to students under this subdivision shall match funds provided by the state in order to receive such money. The total amount of matching funds shall not exceed any amount provided by the state during each fiscal year. Such matching funds shall be provided in addition to any other sums provided by the state.

188-D:18-d Loans. The commission shall submit annually to the state treasurer a list of loan recipients and the amount awarded to each recipient. The loans shall be paid through the financial aid office of the school in which the recipient is enrolled. The commission shall establish the maximum amount of money to be provided to a student, and the frequency of such loans, for completion of studies over the course of training to be a nurse, provided, however, that such amount and frequency shall be reasonable.

188-D:18-e Repayment.

I. Recipients of loans for one year of full-time study shall have their notes cancelled upon satisfactory completion of one year of full-time nursing service in New Hampshire following licensure or completion of the graduate program. Recipients of loans for one year of part-time study shall have their notes cancelled upon satisfactory completion of one year of part-time nursing service, or its equivalent as determined by the commission, in New Hampshire following licensure or completion of the graduate program.

II. Recipients of loans for more than one year of full-time study shall have their notes cancelled upon satisfactory completion of 2 years of full-time nursing service in New Hampshire immediately following licensure or completion of the graduate program. Recipients of loans for more than one year of part-time study shall have their notes cancelled upon satisfactory completion of 2 years of part-time nursing service, or their equivalent as determined by the commission, in New Hampshire immediately following licensure or completion of the graduate program.

III. If the note is not cancelled because of service as a nurse, the recipient shall repay the loan within 2 years after withdrawing from or completing the training program.

IV. If a recipient refuses to repay a loan, the commission shall turn the account over to the appropriate collection agency.

V. The state treasurer shall credit all loan repayments to the nursing leveraged scholarship loan fund for use in granting other scholarship loans. Loan repayments credited to the loan fund shall be in addition to any other moneys appropriated to that fund.

VI. Nothing in this subdivision shall be construed to alter any rights or obligations incurred under RSA 326-B relative to the granting and repayment of scholarship loans.

6 Appropriation. In addition to any other sums appropriated, the sum of \$50,000 for the fiscal year ending June 30, 1990, and the sum of \$50,000 for the fiscal year ending June 30, 1991, are appropriated to the postsecondary education commission for the purpose of funding the nursing leveraged scholarship loan program. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill changes the laws relative to the nursing scholarship program. The bill authorizes the postsecondary education commission to establish a maximum amount, if any, of money to be provided under the program for nursing education within the state to an eligible student.

The bill also establishes a nursing leveraged scholarship loan program, to be administered by the postsecondary education commission, which requires that funds be distributed under the program on a matching grant basis.

Referred to Appropriations.

HB 446-FN, to dissolve the Barnstead-Pittsfield cooperative school district. Inexpedient to Legislate.

This bill is purely a local issue and should be settled on that level. The vote is scheduled to take place at the Cooperative School District meeting. Vote 14-0. Rep. Edmund M. Keefe for Education.

HB 448-FN, relative to identifying specifically each funding component of foundation aid. Inexpedient to Legislate.

The Committee felt that it was a moot question to break down Foundation Aid into its components when currently only one component survives. Vote 18-0. Rep. Nils H. Larson, Jr. for Education.

HB 458, granting degree-granting authority to the Thomas More Institute of Liberal Arts. Ought to Pass.

Thomas More Institute has met all the requirements of the Postsecondary Education Commission and should be authorized to confer degrees. Vote 15-0. Rep. Edmund M. Keefe for Education.

HB 585-FN, relative to funding the costs of minimum standards for elementary schools. Re-refer to Committee.

The Committee feels that the need for further study of state mandates without state funding is critical and voted to re-refer the bill. An ought to pass motion, which would have required mandated elementary standards to be paid for by the state, failed on an 11-7 vote. The motion to re-refer passed on a vote of 18-0. Rep. Nils H. Larson, Jr. for Education.

HB 360-FN, relative to licensing of solid waste transporters. Inexpedient to Legislate.

The bill is unnecessary because SB 66, as amended, is an improved version. With minor adjustments, the Committee could agree with SB 66, which has passed the Senate. Vote 16-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 540-FN, relative to reporting of illegal waste disposal sites. Inexpedient to Legislate.

Every incentive to encourage identification of illegal solid and toxic waste sites is laudable; however, a state reward of \$1,000 to persons reporting such sites could be costly. While New Hampshire fines and penalties could be altered, federal penalties already in place would take precedence. The New Hampshire Solid Waste Council and the Division of Waste Management also testified against this bill. Vote 18-0. Rep. J. Lisbeth Olimpio for Environment and Agriculture.

HB 607-FN, relative to deposits on dairy cases. Inexpedient to Legislate.

The sponsor requested the bill be withdrawn since its supporters did not appear. Furthermore, it appears the industry should be fully capable of solving this problem. Vote 19-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 108-FN, licensing massage practitioners and massage establishments. Re-refer to Committee.

This bill repeals the entire current RSA and establishes a new section. The Committee would like to study it further. It concerns massage parlors. Vote 11-0. Rep. Ada L. Mace for Executive Departments and Administration.

HB 139-FN-A, establishing a fair hearings office administratively attached to the department of education and making an appropriation therefor. Re-refer to Committee.

The Committee finds merit with the intent of HB 139 and feels efforts to introduce a less expensive, less contentious dispute resolution mechanism should certainly be considered. The proposal, however, requires more research and discussion than the Committee can give it at this time. The Committee, therefore, recommends re-referral to accord the proposal the attention it deserves. Vote 15-0. Rep. Wayne M. Burton for Executive Departments and Administration.

HB 212, relative to the board of chiropractors. Ought to Pass with Amendment.

House Bill 212 clarifies the chiropractors bill of last year and addresses out-of-state chiropractors. The amendment stipulates a definite period of continuing education for both out-of-state and in-state chiropractors. Vote 15-0. Rep. Catherine A. Schneiderat for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 2 with the following:

2 Education Seminars. Amend RSA 316-A:20 to read as follows:

316-A:20 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of the fee established by the board. Each applicant shall submit satisfactory evidence *that he has completed at least 20 hours* of continuing education [by annually attending at least one seminar] approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why his license should not be suspended. [The requirement of educational seminars shall apply to chiropractors practicing in this state.]

3 Effective Date. This act shall take effect 60 days after its passage.

HB 390-FN-A, funding a study of the laws relating to New Hampshire retirement system investment and audit practices. Re-refer to Committee.

The Committee feels that the state does not have the sum of \$11,000 to fund this bill at this time. By re-referring, the Committee could study the investment practices and audit procedures of the New Hampshire Retirement System. The Fiscal Note calls for state expenditures of \$11,000 in FY90. Vote 15-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

HB 592-FN, relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service. Re-refer to Committee.

It is the intent of the Committee to re-refer this bill by a positive vote of 15-0 because of a lack of money in the special fund. This fund will be built up to such an extent as to make this bill feasible during the 1990 session. Rep. Lawrence Richardson for Executive Departments and Administration.

HB 594-FN, relative to health care coverage for retired persons. Ought to Pass.

The Committee feels passage of this bill in its original form provides retirees with the right to rejoin the appropriate health care group regardless of who the contracted company is. There is no Fiscal impact. Vote 17-0. Rep. Beverly A. Gage for Executive Departments and Administration.

Referred to Appropriations.

HB 719-FN, relative to a minimum service retirement allowance for group II members. Re-refer to Committee.

The Committee needs more time to address HB 719 in conjunction with HB 592. Both bills address the subject of minimum retirement allowances. There is no Fiscal impact. Vote 14-0. Rep. Beverly A. Gage for Executive Departments and Administration.

HB 712, relative to the relationship of the fish and game commission and the executive director of the fish and game department. Inexpedient to Legislate.

The sponsor indicated that the bill was poorly drafted and did not meet the intent, so the recommendation of Inexpedient to Legislate was unanimously adopted. Vote 14-0. Rep. William P. Boucher for Fish and Game.

HB 721-FN, relative to allowing the city of Portsmouth to adopt an ordinance prohibiting hunting. Inexpedient to Legislate.

The Committee feels this bill would set a precedent for other cities/towns to enact the same. The control of hunting in the state has to remain with the Legislature. The bill has no Fiscal impact. Vote 14-0. Rep. Willard N. Young for Fish and Game.

HB 105-FN, relative to licensing lay-midwifery. Re-refer to Committee.

Testimony by lay midwives, certified and non-certified, one to three mothers, plus the Director of Public Health left the impression a group had struggled with this bill with much give and take, patience and persistence. "Why tamper with a system that seemed to work at least from the point of view of lay midwives"?, but public health at the state level exists to set the best standards for health care and to so interpret to the public, as well as monitor the practice.

The Committee listened to further opinions from lay midwives and a nurse midwife, but were unable, partly due to time, to reach a decision. Correspondence from a physician varies from "get rid of all midwives" to license them so there is a mechanism for stopping those whose practice is unsafe. It is recognized that society may choose births attendants other than a physician for personal or economic reasons.

More study and consideration must be given to the subject to offer safe and wise choices for the pregnant woman to see that the goal of a healthy baby and mother is achieved. Vote 16-0. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 417-FN-A, relative to medicaid reimbursement for appropriate services to handicapped students and making an appropriation therefor. Inexpedient to Legislate.

The purpose of this bill was to promote medicaid reimbursement to local schools for costs of medically-related services to handicapped children. Testimony was given that assured the Committee that this could be done through regulation and developing a memorandum of understanding between the Division of Human Services and the Department of Education. The Committee felt that if the problem can be addressed without adding more to the RSA, it would take that route. Vote 16-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

HB 453-FN, relative to persons receiving kidney dialysis treatment. Inexpedient to Legislate.

The Committee heard no testimony to support this bill other than that of the sponsor who introduced it for a constituent. No AIDS has been associated with kidney dialysis patients, according to testimony from the Division of Public Health. The Center for Disease Control in Atlanta makes recommendations for the treatment of dialysis and sets high standards used throughout the country. Vote 15-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

HB 511, relative to medical records. Ought to Pass with Amendment.

The intent of the bill was to allow access to all medical records by the patient. The way the bill was originally written it gave the patient the property of this information.

The amendment to the bill rewords the ownership aspect of the bill such that the medical facility "owns" the records, but the patient "shall be entitled to a copy of such records for a reasonable cost, upon request." Vote 12-1. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Medical Records. Amend RSA 151:21, IX to read as follows:

IX. The patient shall be ensured confidential treatment of all information contained in his record, including that stored in an automatic data bank, and his written consent shall be required for the release of information to anyone not otherwise authorized to receive it. *Medical information contained in the medical records at any facility licensed under this chapter shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records, for a reasonable cost, upon his request.*

2 New Chapter; Medical Records. Amend RSA by inserting after chapter 332-H the following new chapter:

CHAPTER 332-I

MEDICAL RECORDS

332-I:1 Medical Records. The medical information contained in the medical records in the possession of any medical provider licensed or registered under title XXX shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records, for a reasonable cost, upon his request.

AMENDED ANALYSIS

This bill declares that the medical information contained in medical records are the property of the patient. The patient may receive a copy of such records, upon request, for a reasonable cost.

HB 611-FN, relative to service dogs. Ought to Pass.

This bill allows service dogs, which are used by mobility-impaired persons, to accompany their masters or trainers into any public place. Seeing-eye dogs and hearing-ear dogs are currently allowed to accompany their masters or trainers into public facilities. This is merely an expansion of the law to include the category of dogs trained to help people in wheelchairs or who are otherwise mobility impaired. This bill has no fiscal impact. Vote 15-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

HB 632, relative to the confidentiality of quality assurance records of community mental health centers. Ought to Pass.

This bill attempts to maintain professional staff "brainstorming" and "in house" challenge for professional service to clients by deleting any report of these staff conferences in quality assurance review. It seems detrimental to staff creativity if every conversation or suggestion of a professional challenge must be documented and available to reviewers of state or private evaluation systems. Vote 12-1. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

HB 647-FN, establishing a committee to locate temporary housing for persons diagnosed with AIDS or cancer. Inexpedient to Legislate.

House Bill 647 establishes a committee to locate temporary housing for persons diagnosed with AIDS or cancer. This involvement includes a committee to find respite housing, management of same and future financial support.

While the Committee recognizes the plight of the AIDS victim, it does not find this bill appropriate, and recommends increased support from alternative groups, i.e., hospice, home health care. Vote 13-3. Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs.

HB 584-FN, relative to bad checks. Ought to pass with Amendment.

Testimony on this bill indicated that currently most people who issue bad checks in relatively small amounts were not being prosecuted, due to time and expense involved. This bill will make it easier to receive payment without great expense. Issuers of bad checks in excess of \$500 still would be charged with a misdemeanor. Vote 16-0. Rep. Shawn N. Jasper for Judiciary.

Amendment

Amend RSA 638:4, VI(a) as inserted by section 4 of the bill by replacing it with the following:

VI.(a) Notwithstanding any other provision of law to the contrary, in any judicial proceeding under this section, a notarized or sworn statement by the bank official who is the keeper of records of the bank upon which the check was drawn, shall be admissible as evidence at trial to prove the status or account balance of the person's account on the date the check was issued or passed. The admission of this statement shall eliminate the need for the keeper of records to personally appear and testify before the court.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect 60 days after its passage.

HB 116-FN, relative to frivolous claims or denials of workers' compensation awards. Re-refer to Committee.

Under an agreement, as outlined in the recommendation from the Workers' Compensation Advisory Council, which assumes no additional workers' compensation legislation involving cost to the employee or employer, will be considered this session for support of HB 681, the Committee voted to re-refer this bill. Vote 13-0. Rep. David A. Pierce for Labor, Industrial and Rehabilitative Services.

HB 163, concerning certain labor laws. Ought to Pass with Amendment.

The Subcommittee considers this a housekeeping measure to remove references to females in the protective labor laws. The amendment places the wording in the youth

section of the law of RSA 276. Vote 13-1. Rep. Richard A. Barberia for Labor, Industrial and Rehabilitative Services.

Amendment

Amend RSA 276-A:11 as inserted by section 1 of the bill by replacing it with the following:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, III, IV and V, and VI no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10-1/4 hours in any one day, or more than 54 hours in any one week.

Amend the bill by inserting after RSA 276-A:20 as inserted by section 1 of the bill the following new section and renumbering the original RSA 276-A:21 to read as RSA 276-A:22.

276-A:21 Additional Prohibitions. The prohibitions under this subdivision shall be in addition to those prohibitions listed in RSA 276-A:4, III, IV, V and VI.

HB 165, relative to labor unions of supervisors. Re-refer to Committee.

Many questions came up about the legality and practicality of supervisors belonging to the same union as the employees they manage. The Committee wants more time to gather information from court decisions, etc. Vote 13-0. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HB 194-FN, relative to the award of interest in workers' compensation cases. Re-refer to Committee.

The Committee voted to re-refer this bill pending hearings on HB 681. Vote 14-0. Rep. Ronald P. Sage, Jr. for Labor, Industrial and Rehabilitative Services.

HB 195-FN, relative to eligibility for disability payments to injured workers. Re-refer to Committee.

The Committee will re-refer this bill pending hearings on HB 681-FN. Vote 14-0. Rep. Ronald P. Sage, Jr. for Labor, Industrial and Rehabilitative Services.

HB 281-FN, relative to third party recoveries in workers' compensation. Re-refer to Committee.

This bill requires that at least one-third of a gross recovery against a third party be paid to the injured employee or his estate before the lien of the employee on the employer's insurance carrier is satisfied. The Committee felt from the testimony that was given that in many cases the insurance limits are not high enough to cover awards and this bill could give some flexibility in settlement. However, there is enough interest shown by several speakers that it should be re-referred. The Committee concurs. Vote 13-0. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

HB 284-FN, relative to co-employee liability under workers' compensation. Re-refer to Committee.

The Committee vote does not reflect the merits of the bill. In accordance with the agreed upon bill passed by the Labor Committee, the Committee and the sponsor

unanimously voted this bill be re-referred. Vote 11-0. Rep. Jeffrey R. Woodburn for Labor, Industrial and Rehabilitative Services.

HB 297-FN, relative to workers' compensation for part-time police officers. Re-refer to Committee.

Under an agreement, as outlined in the recommendation from the Workers' Compensation Advisory Council, which assumes no additional workers' compensation legislation involving cost to the employee or employer will be considered this session for support of HB 681, the Committee voted to re-refer this bill. Vote 13-0. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HB 333, relative to collective bargaining by public employees. Inexpedient to Legislate.

The Committee agrees that contract negotiations seem to be getting tougher and can be an expensive process. However, HB 333 is not the solution to this problem. The bill would force time constraints and open negotiations to public inspection that could possibly destroy the negotiating process. Vote 9-2. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HB 357, relative to utility lineworkers. Inexpedient to Legislate.

The Subcommittee felt that while safety is an important concern, in this case this issue is better worked out between the utilities and the representatives of their employees. There was also concern about where this would fit in the scheme of the current labor and safety laws. The Committee was uncomfortable with legislating an isolated safety rule. The interested parties agreed to come back with a report on their progress solving the issue within six months. Vote 11-0. Rep. Daniel Toomey for Labor, Industrial and Rehabilitative Services.

HB 626-FN, relative to binding arbitration for public employees. Inexpedient to Legislate.

Binding arbitration would place the appropriation power in the hands of the people that have no local responsibility and endanger local legislative process. It could also violate the State Constitution. Vote 12-1. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

HB 245-FN, creating a committee to study county government. Inexpedient to Legislate.

The effect of this bill would be to establish a committee for the study of county government functions and purposes. The bill is similar in intent to several others proposed in this session. The Committee is not anxious to have several study committees pursuing the same objectives. The Committee will propose its own House Bill of Intent to address the concerns raised by this and those similar pieces of legislation. Vote 16-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 725-FN, relative to the highway fund. Ought to Pass.

As a policy committee, the Public Works Committee felt that it had no choice but to request restricting the transfer of Highway Funds as mandated by Part Second, Article 6-A of the New Hampshire Constitution. Vote 19-0. Rep. Beaton Marsh for Public Works.

Referred to Appropriations.

HB 441-FN-A, relative to bingo games conducted by charitable organizations. Ought to Pass with Amendment.

This bill permits charitable organizations to conduct four large bingo games per year for a maximum of 200 persons per game. The state will collect 5% tax on the total proceeds collected. Vote 16-1. Rep. Stephen W. Bucu for Regulated Revenues.

Amendment

Amend section 4 of the bill by replacing it with the following:

4 New Paragraph; Financial Reports. Amend RSA 287-E:9 by inserting after paragraph VII the following new paragraph:

VIII. Notwithstanding the provisions of paragraph I, a complete financial report for each game conducted pursuant to RSA 287-E:7, XVI, shall be submitted to the commission no later than 5 days after the event has been conducted.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits charitable organizations to conduct 4 big game bingo events per year for a maximum of 200 persons per game.

The organization shall charge \$100 for 15 cards and \$5 each for additional cards.

Twenty games would be played for prize money of \$500 each and 4 games would be played for \$1,000 each.

The state would collect a 5 percent tax on the total proceeds collected.

A complete financial report would be submitted to the commission no later than 5 days following the event.

HB 79-FN, requiring registration fees and classification fees for certain unregistered dams. Inexpedient to Legislate.

The Committee agreed that the subject covered in this bill is addressed in HB 81 and HB 79 is not needed at this time. Vote 12-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 81-FN, relative to dam permitting authority. Ought to Pass with Amendment.

This bill, requested by the Division of Water Resources, Department of Environmental Services, as amended, extends the permitting authority of the Division of Water Resources to include a requirement for permitting and classification of unregistered dams in need of repair. This bill specifies filing and classification fees. Vote 13-0. Rep. John B. Young for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change; Add Permit. Amend RSA 482:2-a to read as follows:
482:2-a [Unregistered] *Non-permitted* Existing Dams.

I. Upon written notice from the division of water resources, the owner of [an unregistered] *a non-permitted* existing dam shall submit an application for [registration of] *a permit for* said dam *and a \$25 filing fee* to the division of water resources. The application shall provide such information as the division of water resources may require to determine whether *or not* the dam is a menace to the public safety. [In registering any such dam] *Following a review of the permit application*, the division of water resources may [order the owner thereof to make any repairs or undertake any] *issue a permit to the owner with necessary conditions for the repair or recon-*

struction *of the dam* which the division of water resources deems necessary for the public safety. Such *repair* work shall be undertaken within a time period fixed by the division of water resources.

II. In addition to the information and fee required in paragraph I, the applicant, upon notice from the division, shall submit to the division an additional classification fee based on the classification of a dam as follows:

(a) Class "A" dam - \$100

(b) Class "B" dam - \$250

(c) Class "C" dam - \$500.

III. All funds collected under the provisions of this section shall be deposited into the general fund as unrestricted revenue.

2 Add Permits. Amend RSA 482:2-c to read as follows:

482:2-c New Dams on Great Ponds. No dam shall be constructed on the outlet of a great pond after September 3, 1977, without specific authorization from the legislature and without [approval of] *a permit to construct a dam from* the division of water resources according to such terms and conditions as it deems necessary for the public safety.

3 Permit Authority. Amend RSA 482:2-d to read as follows:

482:2-d Orders and Permits Recorded. [Registration] *Permitting* of a dam pursuant to RSA 482:2-a or the granting of a permit for a dam pursuant to RSA 482:2-c by the division of water resources does not relieve the owner from meeting the requirements of public safety or other provisions of law nor does it convey a property right or authorize any injury to property or invasion of other rights. The division of water resources shall record any orders *or permits* issued under the provisions of this section with the registry of deeds in the county or counties in which the dam and flowage are situated, and no fee shall be charged for such recording.

4 Plans Required. Amend RSA 482:4 to read as follows:

482:4 Plans Required.

I. Within 10 days after the receipt of the statement required under RSA 482:3, if the division of water resources shall be of the opinion that the proposed dam, if improperly constructed or reconstructed, would be a menace to the public safety, it shall so notify the owner or applicant, and the construction or reconstruction of such dam shall not be commenced until plans and specifications therefor shall have been filed with and [approved] *a permit for construction issued* by the division of water resources.

II. In addition to the information requested regarding the construction or reconstruction of said dam, the applicant shall also submit to the division of water resources an additional [filing] *classification* fee, which shall [go] *be deposited* into the general fund as unrestricted revenue, based on the classification of a dam as follows:

(a) Class "A" dam — \$100

(b) Class "B" dam — \$250

(c) Class "C" dam — \$500

5 Reference Change; Add Permit. Amend RSA 482:6 to read as follows:

482:6 Supervision. The division of water resources may designate some competent inspector to inspect the construction or reconstruction of any dam for which *approved* plans and specifications *and a permit for construction* have been required under RSA 482:4, and such inspector shall report to the division of water resources any failure to comply with said plans and specifications.

6 Application for Permit Before Flowing. Amend RSA 482:19 to read as follows:

482:19 [Petition] *Application for Permit* Before Flowing.

I. Any person proposing to erect a dam or to increase, by flashboards or permanently, the height of any existing dam for any of the purposes provided in RSA 482:16 shall file [a petition] *an application for a permit* with the division of water resources, setting forth the location, height and description of the proposed dam or proposed increase in any existing dam.

II. The [petition for the right] *application for a permit* to construct or reconstruct any dam for any of the purposes provided in RSA 482:16 shall be accompanied by a deposit to the division of water resources of \$100 with each such [petition] *application*. This payment shall be for expenses of publication, mailing, posting of notices, and copies of hearing transcripts, if necessary, by the division of water resources, and for the expense of hiring a hearing site, if a hearing outside of Concord is necessary. If said expenses amount to more than \$100, the division of water resources shall require the [petitioner] *applicant* to pay the additional amount before any decision is made by the division of water resources with regard to [the petition] *said application*.

7 Add Issuance of Permit. Amend RSA 482:21 to read as follows:

482:21 Hearing; [Order] *Permit*. The division of water resources shall, after hearing, determine whether it will be of public use and benefit to grant the rights asked for, and in determining whether it will be of public use and benefit, shall give due consideration to the effect upon scenic and recreational values and upon fish and wildlife and upon the natural flow of the water in the stream below the dam and any hazards to navigation, fishing, bathing and other public uses. The division of water resources shall, in all cases, investigate the question whether the cutting clean and removal of all timber and tree growth from all or any part of the flowage area is reasonably required in the public interests, and in such cases as it shall find that such cutting clean and removal of all timber and tree growth from all or any part of the flowage area are so required, it shall be a condition to the exercise of such rights that such cutting clean and removal of all timber and tree growth shall be done. The division of water resources shall, in its [order] *permit*, embody all its findings.

8 Permit Authority. Amend RSA 482:31 to read as follows:

482:31 Petition Before Flowing. Any person proposing to erect a dam or to increase, permanently or by flashboards, any existing dam, having obtained [an order] *a permit* from the division of water resources as provided in RSA 482:21, may file in the superior court a petition setting forth the location, height and description of the proposed dam or increase in any existing dam, and the title and description of the land involved or the rights therein to be taken, and applying for the assessment of damages occasioned thereby in advance of the taking. The court shall then proceed in accordance with the provisions of RSA 482:25-30, inclusive.

9 Permitting Power. Amend RSA 482:68 to read as follows:

482:68 Administrative Powers. The division of water resources shall have the power to *issue permits and to* make orders hereunder, conduct hearings, subpoena and examine under oath owners of dams, their books, records, documents, correspondence, and accounts, and any other person it deems necessary to carry out the purposes and intent hereof. The division of water resources may adopt[, promulgate,] *under RSA 541-A* and enforce such reasonable rules [and regulations] as are deemed necessary to carry out the provisions hereof.

10 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes permitting authority for the division of water resources to require permits for non-permitted dams.

It establishes 2 fees for dams being permitted.

If the division of water resources gives notice to an owner of a non-permitted dam, this bill requires the owner to submit a \$25 application fee when applying for registration.

It also requires the payment of an additional classification fee as follows:

- (a) Class "A" dam - \$100
- (b) Class "B" dam - \$250
- (C) Class "C" dam - \$500

All fees collected are to be deposited in the general fund as unrestricted funds.

This bill was requested by the division of water resources, department of environmental services.

HB 127-FN, increasing fees for laboratory services. Ought to Pass with Amendment.

A request of the Department of Environmental Services, this legislation increases fees for certain water tests conducted by the agency's laboratory. The new fees reflect the true costs of conducting the tests. Costs for tests for private wells are not increased. Vote 16-1. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

I Increased Fees. Amend RSA 131:3-a, II and III, to read as follows:

II. Analyses required by the Safe Drinking Water Act including all of the annual inorganic, organic, radiological, and complete analyses for community public water systems, per source, per year[\$100.00] **\$475.00**

III. [Complete] **Standard** analyses for private water supplies [and non-community public water systems] \$30.00

2 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 150-FN, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws. Ought to Pass with Amendment.

The purpose of this bill, as amended, clarifies terminology relating to oil pollution cleanup, specifying that licensees who import oil into the state must pay fees, which are deposited into the Oil Pollution Control Fund. Clarification was requested by the Division of Water Supply and Pollution Control to correct obstacles in RSA 146 with respect to federal delegation of a state program regulating Underground Storage Tanks (UST) under Subtitle I of the Resources Conservation and Recovery Act (RCRA). The bill also contains penalties for parties who fail to comply with certain reporting and fee requirements. Vote 12-2. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend the bill by replacing section 3 with the following:

3 Change in Licensing Activity. Amend RSA 146-A:11-b, II to read as follows:

II. Any operator, distributor, dealer, or broker who, or any wholesale terminal facility which [transfers or transports] **imports** or causes to be [transferred or transported] **imported** oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be determined on the basis of \$.025 per barrel of oil [transferred] **imported** into this state during the license period. The license fee shall be computed at the point of entry of the oil into this state. The fee shall be paid monthly by the licensee to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the licensee and certified as accurate to the department of safety. ***The fee set in this paragraph shall not apply to 25 barrels of oil or less, when the barrels are packaged in individual containers of less than one barrel.***

Amend RSA 146-D:3, II as inserted by section 10 of the bill by replacing it with the following:

II. Any distributor shall be **licensed and assessed** a fee of **\$.006** [\$.003] per gallon of oil [transferred or transported] **imported** [within or] into this state. This fee shall be in addition to any road toll paid pursuant to RSA 260:32, and shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. ***If the fund's balance becomes greater than \$10,000,000, the fund assessment fees provided for in this subdivision shall be discontinued and only re-established when the fund's balance is less than \$5,000,000. Any distributor who imports home heating fuel which is subsequently sold as diesel fuel shall be exempt from the fee as stated in this paragraph. The fee shall be assessed, however, to the distributor who transports or sells such diesel fuel.***

Amend the bill by replacing section 12 with the following:

12 Liability for Violations. Amend RSA 146-C:10, I to read as follows:

I. Any person who owns or operates an underground storage facility without a permit as required by this chapter, who fails to comply with a condition of that permit or of an order issued under RSA 146-C:9-a, or who violates the rules adopted under this chapter relative to underground storage facilities shall be subject to a civil penalty of not more than \$10,000 for each violation. Each day of a continuing violation shall count as a separate violation. Such a violation may also be enjoined by the superior court upon application of the attorney general. [Notwithstanding any provision of this chapter, an owner who is not also the operator of the facility shall not be liable for a violation of this chapter unless the operator has notified the owner of such violation, the owner has actual notice of the violation, or the owner, by use of normal business practice and procedures, knew or should have known of the violation.]

13 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies terminology in chapters relating to oil pollution cleanup, specifying that licensees who import oil into the state must pay the fees which are deposited into the oil pollution control fund. The bill also exempts certain barrels of oil from the fee. Current law uses "transfer" or "transport," rather than "import."

The bill also contains new provisions for penalties for parties who fail to comply with certain reporting and fee requirements, and authorizes the commissioner of the department of environmental services to assess administrative fines for violations not to exceed \$2,000 for each offense. The bill contains provisions for interest to accrue on fees and penalties.

The bill also provides for the discontinuance of fund assessment fees under certain circumstances, and amends the penalty for violations relating to underground storage facilities.

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor. Ought to Pass with Amendment.

New Hampshire's lakes are one of its most important natural resources. This legislation defines, for the first time, a state lake policy designed to ensure that our lakes are preserved for generations with the establishment of the New Hampshire Lakes Management and Protection Program in the Department of Environmental Services.

Under the program, the state lakes coordinator is charged with developing a state-wide shorefront development plan (which must be approved by the Legislature) and to work with the growing number of municipalities wanting to implement shorefront protection programs of their own.

In addition, the legislation sets up a Lakes Management Advisory Committee to review citizen nominations designed to protect and manage outstanding lakes or parts of lakes. Each plan must address public access, recreational uses, wildlife and other factors. This legislation is long overdue and is a significant step in planning and managing the use of our lakes. Vote 16-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; New Hampshire Lakes Management and Protection Program. Amend RSA by inserting after chapter 227-F the following new chapter:

CHAPTER 227-G

NEW HAMPSHIRE LAKES MANAGEMENT AND PROTECTION PROGRAM

227-G:1 Statement of Policy. New Hampshire's lakes are one of its most important natural resources; vital to wildlife, fisheries, recreation, tourism, and the quality of life of its citizens. It is the policy of the state to insure the continued vitality of New Hampshire lakes as key environmental, social, and economic assets for the benefit of present and future generations. The state shall encourage and assist in the development of management plans for the waters as well as shorelands properties to conserve and protect outstanding characteristics, including recreational, fisheries, wildlife, environmental, cultural, scientific, ecological, aesthetic, and community significance, so that these valued characteristics shall endure as part of lake uses to be enjoyed by the citizens of New Hampshire.

227-G:2 Definitions. In this chapter:

I. "Commissioner" means the commissioner, department of environmental services.

II. "Department" means the department of environmental services.

III. "Office" means the office of state planning.

IV. "Advisory committee" means the lakes management advisory committee established in RSA 227-G:7.

V. "Lake" means the bodies of fresh water as defined in RSA 271:20.

VI. "Shoreland" means land located within 250 feet of the ordinary highwater level of the lake.

227-G:3 Program Established; Intent. There is established within the department, the New Hampshire lakes management and protection program. It is the intent of the legislature that the New Hampshire lakes management and protection program shall complement and reinforce existing state and federal water quality laws. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of lakes shall be maintained or enhanced, that opportunity for public enjoyment of lake uses be ensured, and that littoral interests shall be respected.

227-G:4 Lakes Coordinator. There is established in the department of environmental services, planning unit, a state lakes coordinator, who shall be a classified employee qualified by reason of education and experience, and who shall administer the New Hampshire lakes management and protection program.

227-G:5 Management.

I. The lakes coordinator, in consultation with the advisory committee, shall prepare and submit to the legislature for consideration proposed management criteria to be provided for the state's lakes, and for specific lakes and areas of lakes. The management criteria upon adoption shall provide the minimum standards and criteria for lakes management and shoreland protection. The purpose of such criteria shall be to ensure that:

(a) Water quality shall not be degraded from existing water quality standards established in RSA 149 and 149-E;

(b) The environment for wildlife, particularly waterfowl and aquatic life, be maintained or improved;

(c) The natural characteristics of the shoreland be maintained;

(d) Public access be provided and property maintained appropriate to suitable uses of the lakes;

(e) Multi-use of lakes be considered, including but not limited to, the consideration of the use of appropriate watercraft, swimming, fishing, and other recreational uses; and

II. Stewardship of state-owned shorelands and right-of-ways meet high standards.

III. No state-owned property adjacent to or providing access to a lake shall be disposed of by the council or resources and development except upon the review and recommendation of the advisory committee.

227-G:6 Nominations; Criteria.

I. Any New Hampshire organization or resident may nominate a lake or a portion thereof for protective measures according to the adopted management criteria. A description of the lake or of a specific area deserving protection, including its special values and characteristics, shall be submitted to the commissioner, along with suggested protective measures. The nomination shall include, but not be limited to: an assessment of fisheries; geologic and hydrological features; vegetation; wildlife; aquatic life; recreational features and potential; water quality; opportunity for public access and utilization; littoral interests; and other pertinent water and lakefront information. Any nomination for a portion of a lake shall show the effect of protection in relation to the overall condition and utilization of the lake as a whole.

II. The lakes coordinator shall assist and cooperate with the nominator or nominating organization and shall, within 120 days of receipt, review the nomination and

prepare a recommendation for review by the commissioner under the criteria established in paragraph I and adopted by rules under RSA 227-G:9.

III. The lakes coordinator, in cooperation with the advisory committee, shall hold at least one public hearing in a community along the nominated lake or lake area to receive public comment on the nomination.

IV. The commissioner shall review the nomination within 30 days. If the commissioner determines that the lake meets the criteria adopted by rules under 227-G:9, the commissioner shall, before the next legislative session, forward the nomination to the general court for legislative review and approval according to RSA 227-G:8.

227-G:7 Lakes Management Committee; Establishment. There is established a lakes management advisory committee.

I. The advisory committee shall include the following members to be appointed by the governor and council:

(a) An elected officer or staff member of a New Hampshire lake association.

(b) A member representing the Lakes Region Planning Commission.

(c) The executive director of the fish and game department, or his designee.

(d) An elected municipal officer of a lakefront community nominated by the New Hampshire Municipal Association.

(e) A member of a conservation commission from a lakefront community nominated by the New Hampshire Association of Conservation Commissions.

(f) A member representing the scientific community from the University of New Hampshire.

(g) The director of the office of state planning, or his designee.

II. The speaker of the house shall appoint one representative and the president of the senate shall appoint one senator.

III. Members of the council or resources and development or their designees, shall serve the committee in an advisory capacity.

IV. The terms of state agency members shall be the same as their terms in office. Voting members shall serve 3-year terms.

V. The commissioner shall convene the first meeting no later than September 1, 1989. The committee shall elect a chairperson and vice-chairperson. Subsequent meetings shall be at the call of the chair, or at the request of 3 or more committee members. The lakes coordinator under RSA 227-G:4 shall serve as secretary and staff to the committee.

VI. The advisory committee shall advise the commissioner and lakes coordinator in carrying out the purposes of this chapter.

227-G:8 Legislative Designation. Any nomination approved by the commissioner shall require approval by the general court. Such action shall be filed as a bill in the next session of the legislature following the nomination.

227-G:9 Rulemaking. The commissioner, with the advice of the advisory committee, shall adopt rules, pursuant to RSA 541-A, relative to content and submission of nominations under RSA 227-G:6.

227-G:10 Lakes Management and Protection Plans.

I. The lakes coordinator, with the cooperation and assistance of the office and the council on resources and development shall develop detailed criteria for lake management and shoreland protection plans, including but not limited to model lake management and shoreland protection ordinances. Upon acceptance of the criteria by the advisory committee, the lakes coordinator shall hold public hearings regarding the

proposed guidelines and model ordinances, including one in the lakes region, one in the Lake Sunapee region, one in Coos county, and one in Carroll county.

II. The lakes coordinator shall provide technical assistance and, within the limits of legislative appropriations, financial grants to regional planning commissions established under RSA 36:45-53 in support of:

(a) Lakefront planning assistance to local units of government.

(b) Contributions to and coordination with statewide lake planning and management activities, including the updating of the state's great ponds and lakes report.

III. As requested and in cooperation with regional planning agencies, the lakes coordinator shall provide technical assistance and information in support of the lakefront planning efforts of municipal government.

IV. Lake and shoreland management plans developed pursuant to paragraphs I and II shall address, but not be limited to, the following:

(a) Permitted recreational uses and activities.

(b) Permitted non-recreational uses and activities.

(c) Existing and future land uses.

(d) Protection of wetlands, wildlife, fish habitats, and other significant natural areas.

(e) Dams, bridges, and other water structures.

(f) Public access by foot and vehicles.

(g) Setbacks and other location requirements.

(h) Dredging, filling, mining, and earth moving.

(i) Prohibited uses.

227-G:11 Acceptance and Expenditures of Funds.

I. The commissioner may apply for and accept, from any source, gifts; donations of money; grants; federal, local, private, and other funds and incentives; and interests in land for the purposes of this chapter.

II. The lakes coordinator, with the approval of the commissioner, may expend any funds received under paragraph I for the purposes of this chapter, and such funds are hereby appropriated.

227-G:12 Consistency of State Action. Upon enactment of this chapter, all state agency actions affecting lakes or lake areas which may be designated for protection under this chapter shall conform to the provisions of this chapter.

2 Reports.

I. The lakes coordinator shall on or before December 1, 1990, prepare an inventory, description, and analysis of all lake-related activities presently conducted by state agencies for presentation to the governor, legislature, and lakes advisory committee.

II. Proposed statewide protection criteria under RSA 227-G:10 shall be submitted by the lakes coordinator to the speaker of the house and president of the senate in the form of proposed legislation on or before December 1, 1990.

3 Appropriation. The sum of \$1 is hereby appropriated to the department of environmental services for the biennium ending June 30, 1991, for the purposes of section 1 of this act. This appropriation shall be in addition to any other appropriation for the department for the biennium.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a New Hampshire lakes management and protection program similar to the rivers management and protection program.

The department of environmental services shall administer the program.

An appropriation is requested to fund the program.

Referred to Appropriations.

HB 290-FN-A, to modernize the automation activities of the department of revenue administration and making an appropriation therefor. Ought to Pass with Amendment.

Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation for Automation Activities. The sum of \$1 for the biennium ending June 30, 1991, is hereby appropriated to the department of revenue administration for the purpose of modernizing the automation activities of the department as provided in section 1 of this act. This sum shall be in addition to any other funds appropriated to the department of revenue administration. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates \$1 to the department of revenue administration for the biennium ending June 30, 1991, for the purpose of modernizing the automation activities of the department.

This bill provides funding for the modernization of the computer capabilities of the Department of Revenue Administration. This upgrade is essential to enable DRA to provide timely and accurate information to the Ways and Means Committees of the General Court. A study is currently underway to define requirements and determine the cost of the hardware and software. That estimate should be available before this bill leaves the House of Representatives. The \$1 appropriation included in this bill, as amended, will be further amended to the actual amount required when that information becomes available. The Fiscal Note calls for state expenditures of \$1,000,000 in FY90 and \$1,000,000 in FY91. Vote 10-0. Rep. Charles C. Vogler for Science, Technology and Energy.

Referred to Appropriations.

HB 394-FN-A, establishing a state emergency response commission and making appropriations therefor. Ought to Pass with Amendment.

This bill establishes a study committee for the State Emergency Response Commission to study funding mechanisms for hazardous materials programs, training, et al. It also provides authority for the State Fire Marshal, or his designee, to assume control of hazardous materials incidents upon request or when required. Finally, the bill establishes training criteria for initial responders to hazardous material accidents. The Fiscal Note calls for state expenditures of \$100,000 in FY90 and \$100,000 in FY91. The Committee amendment decreases state expenditures to zero. Vote 10-0. Rep. Beverly A. Rodeschin for Science, Technology and Energy.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a state energy response commission.

Amend the bill by replacing all after section 1 with the following:

2 Energy Response Study Committee. There is created a 10-member study committee, consisting of the following: 5 members of the business community appointed by the governor, including one representative from the New Hampshire Association of Commerce and Industry, Nashua Chamber, 2 representatives from the Business and Industry Association, and 2 members at large with emphasis on small business; one state representative appointed by the speaker of the house; one state senator appointed by the president of the senate; one representative from the office of the governor; the commissioner of the department of safety or his designee; and the director of the office of emergency management or his designee. This committee shall study the funding determined by recommendations of the state emergency response commission relative to hazardous materials incidents and programs, provided that in its own recommendations the committee shall ensure that all hazardous materials manufacturers, transporters, handlers and users would be treated equitably. The committee shall report its findings and recommendations to the governor on or before December 1, 1990, or not fewer than 30 days before the last day on which legislative drafting requests may be filed for the 1991 legislative session, whichever is earlier.

3 Fire Officer in Charge. RSA 154:7, II(k) is repealed and reenacted to read as follows:

(k) Upon request, to apprise the state fire marshal, or his designee, of all hazardous materials incidents and to keep him informed of the situation. The state fire marshal or his designee shall take control of a hazardous materials incident upon the request of the local fire chief or fire official in charge, or if the state fire marshal or his designee believes that the welfare of the public is not being appropriately served. Upon assuming control of a hazardous materials incident, the state fire marshal or his designee shall have all of the authority outlined in this chapter.

4 State Fire Marshal. RSA 153:4-a, III is repealed and reenacted to read as follows:

III. The state fire marshal, or his designee, shall have access to any and all incidents involving hazardous materials and shall coordinate the activities of state services during a hazardous materials incident. The state fire marshal, or his designee, shall assume control of a hazardous materials incident at the request of the local fire chief or fire official in charge, or if the state fire marshal or his designee believes that the welfare of the public is not being appropriately served. When the state fire marshal, or his designee, assumes control of a hazardous materials incident he shall have all the authority outlined in RSA 154:7.

5 Rulemaking. Amend RSA 21-P:14, II by inserting after subparagraph (y) the following new subparagraph:

(z) The establishment of training criteria for hazardous materials incident responders and for the implementation of a statewide hazardous material command system. Such rules shall be in addition to rules adopted under RSA 21-P:14, II(a) and shall be adopted after consultation with the fire standards and training commission. No rule shall infringe on the authority of the governor or the office of emergency management under RSA 107-C.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill establishes an emergency response commission in accordance with Public Law 99-4999.

This commission shall respond to disasters in the state involving hazardous materials, such as toxic chemicals and extremely hazardous substances.

The bill establishes a study committee to determine the future source of funding for this commission.

The bill provides for the state fire marshal or his designee to assume control of a hazardous materials incident, under certain circumstances, and to coordinate the activities of state services during a hazardous materials incident.

The commissioner of safety shall adopt rules pursuant to RSA 541-A for the establishment of training criteria for hazardous materials incident responders.

Referred to Appropriations.

HB 176-FN, requiring certificates of title for state-owned vehicles. Ought to Pass with Amendment.

At the present time, vehicles owned by the United States, the State of New Hampshire or political subdivisions thereof, and National Guard vehicles are not required to be titled. Because many of these state-owned vehicles and those owned by cities, towns and counties are later traded or sold at auction, problems arise involving lack of title. It would seem proper to have them titled at the time of procurement. Passage of the bill will require that action. Vehicles owned by the United States Government and National Guard will still be exempted. There will be no charge for titles to the state or subdivisions thereof. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

requiring certificates of title for vehicles owned by the state
and political subdivisions.

Amend the bill by replacing all after the enacting clause with the following:

1 Exempted Vehicles. Amend RSA 261:3, I(a) to read as follows:

(a) A vehicle owned by the United States [state of New Hampshire] or *owned or operated by* [any political subdivision thereof] *the New Hampshire National Guard*;

2 New Paragraph; Exempt from Fee. Amend RSA 261:19 by inserting after paragraph II the following new paragraph:

III. The provisions of this section shall not apply to motor vehicles owned by the state or any of its political subdivisions. These entities shall not be assessed any fee for a certificate of title for their respective motor vehicles.

3 Applicability. This act shall apply to state-owned vehicles and vehicles owned by a political subdivision registered on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires vehicles owned by the state of New Hampshire and its political subdivisions to have certificates of title.

No fee shall be required by the state or its political subdivisions for the certificate of title.

Vehicles owned or operated by the New Hampshire National Guard are exempted from the requirement to have a certificate of title.

HB 438-FN-A, adding 2 exemptions to the interest and dividends tax. Inexpedient to Legislate.

The Department of Revenue Administration does not have the capacity to determine the precise fiscal impact of this bill, but it is clear that additional exemptions would result in a loss of revenue, which the Committee views as inappropriate at this time. Additionally, it would be inequitable to completely exempt taxpayers over age 75, independent of any needs test. Vote 13-0. Rep. Garret P. Cowenhoven for Ways and Means.

HB 460-FN, relative to notice that tax payments may be due under the interest and dividends tax. Ought to Pass with Amendment.

The Committee determined that new residents moving into the state might not be aware of a possible liability for interest and dividends tax. An appropriate notice through the Division of Motor Vehicles for original drivers' license applications was agreed to be the best available means of giving the notice. The amendment provides flexibility for the Commissioner in determining the form of the notice and changes the effective date. The Fiscal Note calls for state expenditures of \$1,966 in FY90 and \$2,006 in FY91 which can be absorbed in the DRA budget. Vote 13-0. Rep. Earle D. Hardy for Ways and Means.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Notice of Interest and Dividends Tax. Amend RSA 261 by inserting after section 52 the following new section:

261:52-a Notice That Interest and Dividends Tax May Be Due. Blanks prepared by the director for application for an original driver's license under RSA 263:5 shall be accompanied by a notification to the applicant that as a New Hampshire resident he may be liable for tax payments under RSA 77, the interest and dividends tax. The notice shall be prepared by the commissioner of revenue administration.

2 Effective Date. This act shall take effect September 1, 1989.

AMENDED ANALYSIS

This bill provides that blanks prepared by the director of the division of motor vehicles for original drivers' license applications must be accompanied by a notification to the applicant that he may be liable for tax payments under RSA 77, the interest and dividends tax.

(Regular Calendar)

HB 386-FN-A, relative to improving the financial status of impoverished children and making an appropriation therefor. Ought to Pass with Amendment.

This bill will provide an Emergency Assistance Program for families with children. The Program shall be limited to providing families with the minimum assistance necessary to obtain or retain safe and healthy housing when the family is unable to obtain sufficient resources from any other sources. This Program will be matched with federal funds and will serve families who are below the federal poverty level. Fiscal Note calls for state expenditures of \$100,000 in FY90 and \$100,000 in FY91. Vote 14-1. Rep. Carolyn L. Brady for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Emergency Assistance Program. RSA 167:7, V is repealed and reenacted to read as follows:

V. Subject to applicable federal regulations and the provisions of this paragraph, the director of the division of human services of the department of health and human services shall annually establish criteria for and shall operate an emergency assistance program for families with children and with earnings below the poverty level established by the federal government. The program shall be subject to the amount of available funds in the budget of the division of human services. The emergency assistance program created under this paragraph shall be limited to providing families with the minimum assistance necessary to obtain or retain safe and healthy housing when the family is unable to obtain sufficient resources from any other sources in time to meet the need and the family is threatened by immediate homelessness or unsafe or unhealthy living conditions.

2 Appropriation. The sums of \$100,000 from federal funds and \$100,000 from general funds are appropriated for the fiscal year ending June 30, 1990, and the sums of \$100,000 from federal funds and \$100,000 from general funds are appropriated for the fiscal year ending June 30, 1991, to the division of human services, department of health and human services, for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill requires the director of human services to establish an emergency assistance program for families with children and with earnings below the poverty level.

Funding for the program is subject to available amounts in the budget of the division of human services. The bill makes an appropriation for the emergency assistance program.

Amendment adopted.

Referred to Appropriations.

HB 404-FN-A, making an appropriation to fund additional positions within the office of child support enforcement. Ought to Pass.

House Bill 404 appropriates \$222,378 from the general fund for FY90 and \$229,914 for FY91 (this would be matched by \$431,675 and \$446,303 respectively from federal funds). This money would add 21 positions to the Office of Child Support Enforcement. The Committee passed this bill because the Office of Child Support Enforcement is a profit-making agency. In FY87, when state expenditures were balanced against the state's share of AFDC collections, the net profit to the state amounted to more than \$427,000. The Fiscal Note on House Bill 404 anticipates a net savings to the state of \$69,642 in 1990 and \$268,566 in 1991. In addition to the revenue generated by the office, 84% of the collections go directly to non-public assistance clientele which helps to keep families off assistance. Vote 12-2. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Referred to Appropriations.

HB 260-FN, creating a pro rata distribution related to catastrophic aid. Ought to Pass with Amendment.

The Committee felt that there are inequities in the way catastrophic aid funds are distributed and agrees that the original intention of the legislation was the same as that for building aid and for vocational tuition and transportation funding, namely, that in case of a shortfall, all districts would share on a pro rata basis. No fiscal impact. Vote 16-2. Rep. Linda D. Long for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to distribution of catastrophic aid.

Amend RSA 186-C:18, III as inserted by section I of the bill by replacing it with the following:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner, *department of education*, shall distribute aid available under this paragraph *as entitlement* to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution. [The amount to be distributed to a school district under this paragraph shall be determined through the following formula:

$$\begin{array}{lcl}
 \text{(a) } \frac{\text{State equalized valuation per pupil}^2}{\text{District equalized valuation per pupil}} & \times & \\
 \frac{\text{Cost of catastrophic aid students in district}}{\text{State catastrophic aid factor}} & = & \text{District catastrophic aid factor} \\
 \\
 \text{(b) } \frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} & \times & \\
 \frac{\text{Catastrophic aid appropriation}}{\text{Catastrophic aid appropriation}} & = & \text{District catastrophic aid share]
 \end{array}$$

If in any year, the amount appropriated for distribution as catastrophic aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant; provided that the amount of catastrophic aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formula established in paragraph II. [The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution which must be exceeded to be eligible for aid under this paragraph and any sums in excess of such expenditure limit.] The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, assist those

school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped children, it shall not receive catastrophic funds for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 3 and 4, respectively:

2 Catastrophic Aid Payment Distribution Date Changed. Amend RSA 186-C:18, VI(a) to read as follows:

(a) Catastrophic aid payments under paragraph III on or before [January 1] *April 1*. School districts shall submit their catastrophic costs to the state board of education by June 30 of each fiscal year. The state board of education shall then verify the cost and distribute the appropriate amounts for the previous fiscal year on or before [January 1] *April 1* of each fiscal year.

Amendment adopted.

HB 374-FN-A, relative to the Head Start program and making an appropriation therefor. Ought to Pass.

The Head Start Program is an excellent program deserving of not only state funding, but also compassion for those participating at every level. There are many needy programs which the State of New Hampshire must recognize, but none more worthy. This program reaps lasting benefits, and the majority of the Committee supports the full request for funding. Fiscal Note calls for state expenditures of \$114,000 in FY90 and \$119,000 in FY91. Vote 17-1. Rep. Leo J. Spencer for Education.

Referred to Appropriations.

HB 452-FN, relative to the vote for school building aid bonding. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

Rep. Skinner moved that HB 452-FN be made a special order for March 16, 1989. Adopted.

HB 570-FN-A, establishing a forgivable teaching loan program and making an appropriation therefor. Ought to Pass.

This bill will encourage bona fide residents to prepare for teaching careers in New Hampshire in the critical areas determined by the State Board of Education. It is a forgivable loan program. Fiscal Note calls for state expenditures of \$50,000 in FY90 and \$50,000 in FY91. Vote 14-4. Rep. Edmund M. Keefe for Education.

A division was requested.

151 members having voted in the affirmative and 134 in the negative, the report was adopted.

Referred to Appropriations.

HB 581-FN-A, relative to the residential specialist program and making an appropriation therefor. Ought to Pass with Amendment.

The Education Committee believes that the "Residential Specialist Program" established at the New Hampshire Vocational-Technical College at Manchester is meritorious and deserving of continued funding. Currently, there is a waiting list for people who wish to be enrolled in the program. There are 47 people who are halfway through and depending on the Manchester program to acquire certification in this critical need area. Fiscal Note calls for state expenditures of \$72,100 in FY90 and \$73,963 in FY91. Vote 17-1. Rep. Nancy C. Beaton for Education.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Residential Specialist Program Established. The board of governors of postsecondary vocational-technical education shall establish a statewide program awarding up to an associate in science degree, to be named the residential specialist program, which shall be offered to students within the postsecondary vocational-technical education system who are employed or pursuing employment in community-based treatment settings in order to train them for such employment.

2 Appropriation. In addition to any other sums appropriated, the sum of \$169,223 for the fiscal year ending June 30, 1990, and the sum of \$218,621 for the fiscal year ending June 30, 1991, are appropriated to the department of postsecondary vocational-technical education for the purpose of funding positions necessary for offering the program authorized under section 1 of this act at the New Hampshire vocational-technical college at Manchester. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Appropriation. In addition to any other sums appropriated, the sum of \$72,100 for the fiscal year ending June 30, 1990, and the sum of \$73,963 for the fiscal year ending June 30, 1991, are appropriated to the department of postsecondary vocational-technical education for the purpose of funding a position necessary for offering the program authorized under section 1 of this act at the New Hampshire vocational-technical college at Berlin. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Positions Funded.

I. The appropriation made in section 2 of this act shall be expended as follows to fund the positions designated in paragraph II in PAU 06, 04, 02, 01:

	FY 90	FY 91
10 Personal services - permanent	\$109,486	\$142,593
20 Current Expenses	12,000	14,000
30 Equipment	8,750	12,000
50 Other personal services	5,400	5,400
60 Benefits	25,587	34,628
70 In-state travel	6,000	8,000
80 Out-of-state travel	2,000	2,000
Total	\$169,223	\$218,621
Estimated source of funds		
General Fund	\$169,223	\$218,621
Total	\$169,223	\$218,621

II. The positions funded at the New Hampshire vocational-technical College at Manchester are as follows: professor, associate professors, and clerical worker.

III. The appropriation made in section 3 of this act shall be expended as follows to fund the position of associate professor in PAU 06, 04, 05, 08:

	FY 90	FY 91
10 Personnel services-permanent	\$29,102	\$30,369
20 Current expenses	10,000	10,000
30 Equipment	8,500	8,500
50 Other personal service	5,400	5,400
60 Benefits	7,098	7,694
70 In-state travel	10,000	10,000
80 Out-of-state travel	2,000	2,000
Total	\$72,100	\$73,963
Estimated source of funds		
General Fund	\$72,100	\$73,963
Total	\$72,100	\$73,963

5 Salary Adjustments. The salary totals provided in section 4, paragraphs I and III of this act reflect the current rate of pay for classified state employees in academic positions in effect as of December 16, 1988. If the salary scale for classified state employees in academic positions is increased, the salaries of all persons employed in academic positions pursuant to this act shall be increased to the new amount authorized and sufficient funds are hereby appropriated to pay such salary increases. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill authorizes the board of governors to expand the existing residential specialist program in the postsecondary vocational-technical education system. The program provides students with training and education for employment in community-based treatment settings. This bill also makes appropriations to the vocational-technical colleges at Berlin and Manchester for the purpose of funding certain residential specialist program positions.

Amendment adopted.

Referred to Appropriations.

HB 332-FN-A, relative to motor vehicle wastes, establishing a recycling and reclamation fund, and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, enables towns to impose up to a \$3 dollar fee to assist in the disposal of motor oil; motor vehicle batteries and tires. The fee would be paid annually by residents at the time they register their motorized vehicles with the town clerk. The fee would be placed in a Reclamation Trust Fund to be used by the towns to pay for the collection and disposal of these items. Vote 17-1. Rep. Nancy Tarpley for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the collection and reclamation of motor vehicle wastes.

Amend RSA 149-M:1, X-b as inserted by section 2 of the bill by replacing it with the following:

X-b. "Motor vehicle waste" means used motor oil, motor vehicle batteries, and tires from motorized vehicles.

Amend RSA 149-M:8, IV(b) as inserted by section 6 of the bill by replacing it with the following:

(b) Standards for all types of facilities, [and] *including standards for the proper receipt, reclamation or disposal of separated motor vehicle wastes and standards for septage transporters;*

Amend the bill by replacing section 8 with the following:

8 New Section; Funds Established. Amend RSA 149-M by inserting after section 13 the following new section:

149-M:13-a Town Reclamation Trust Funds; Advise from Office of State Planning.

I. A town which collects an additional fee under RSA 261:153, V shall create a town reclamation trust fund to receive the town share of such fee, to be used to pay the fees for the collection and disposal of the town's motor vehicle waste. Towns may use any moneys in the fund in excess of such fees for the recycling and reclamation of other types of solid waste.

II. A town may contact the office of state planning for a list of approved contractors and facilities for the collection and disposal of motor vehicle waste.

Amend RSA 261:153, V as inserted by section 9 of the bill by replacing it with the following:

V. Beginning July 1, 1989, in addition to each registration fee collected under paragraph I, there may be collected an additional fee in an amount up to \$3 for the purposes of a town reclamation trust fund as established in RSA 149-M:13-a. Of this amount, \$.50 shall be retained by the city official designated by the city government or by the town clerk for administrative costs and any remaining amount shall be deposited into the reclamation trust fund established by the town for the purpose of paying collection and disposal fees for the town's motor vehicle wastes. A town which collects such additional fees shall not charge a disposal fee for motor vehicle waste as the town's solid waste disposal facility. If a town finds the additional fee is not sufficient to cover fees for collection and disposal of town motor vehicle waste, it shall notify the office of state planning. The office shall study the fee in accordance with RSA 4-C:1 and make recommendations, if necessary, for increases in the fee.

Amend the bill by replacing all after section 9 with the following:

10 New Subparagraphs; Duties of Office of State Planning. Amend RSA 4-C:1, II(g) to read as follows:

(g) *When requested by one or more towns under RSA 261:153, V, study the adequacy of the additional fee collected to pay fees for the collection and disposal of motor vehicle wastes. If the office deems it necessary, it shall submit proposed legislation to increase such fees to the speaker of the house, the president of the senate, and the governor.*

(h) Maintain a current list of contractors and facilities approved by the office for the collection and disposal of motor vehicle waste, for distribution to towns under RSA 149-M:13-a, II.

(i) Perform such other duties as the governor may assign.

11 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

The bill gives the division of waste management the responsibility of regulating the separation, reclamation and disposal of motor vehicle wastes. This bill also allows towns to assess an additional fee to be paid in connection with the town motor vehicle registration. A town which assesses such a fee must create a reclamation trust fund with the income from such fees, and use such moneys to pay fees for the collection and disposal of the town's motor vehicle waste. The office of state planning may study the adequacy of the additional fees and is to supply towns, on request, with a list of approved contractors and facilities for the collections and disposal of motor vehicle waste. The bill requires separate handling of motor vehicle wastes from all other solid wastes in all facilities.

Amendment adopted.

A division was requested.

172 members having voted in the affirmative and 125 in the negative, the report was adopted.

Ordered to third reading.

HB 479, relative to solid waste management plans. Inexpedient to Legislate.

Municipalities have had several years to formulate their solid waste plans and the Committee feels no useful purpose would be served by extending the date. The subject will be discussed further in HB 606. Vote 16-1. Rep. Nancy Tarpley for Environment and Agriculture.

Resolution adopted.

HB 334-FN-A, relative to the adult program special needs allowance and making an appropriation therefor. Ought to Pass.

This bill would help the adult special needs programs in the Division of Human Services. This means if a disabled person, senior citizen or legally blind person in the program needs one time assistance so they can live independently, the state would help them do this, as in 1981 and before. The appropriation would be \$81,162 in FY90 and \$82,368 in FY91, yet state revenues would increase by \$38,882 in FY90 and \$39,400 in FY91. The vote shows the Committee's support for adult needs in New Hampshire. Vote 15-0. Rep. Nancy G. Frank for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor. Ought to Pass with Amendment.

This bill requires individuals to be licensed by the Board of Registration in Medicine in order to practice respiratory care. The bill establishes licensing criteria and prohibited practices. The bill appropriates \$6,000 from the general fund to the Board for the biennium ending June 30, 1991. Revenues are estimated for the first year as \$12,500 and subsequent years as \$8,750. The amendment to this bill allows "one

physician educated in the current practice of respiratory care” rather than “one physician knowledgeable in the practice of respiratory care” on the Board. Vote 17-0. Rep. Bronwyn Asplund for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 326-E:2, I(a) as inserted by section 2 of the bill by replacing it with the following:

(a) One physician educated in the current practice of respiratory care.

Amendment adopted.

Referred to Executive Departments and Administration.

HB 426-FN-A, establishing the New Hampshire poison information center and making an appropriation therefor. Ought to Pass with Amendment.

The purpose of this bill is to establish a poison control information center with state support. Mary Hitchcock Memorial Hospital was designated as the poison center by the State in 1981, but did not fund it, except for a WATS Line. More than half of the 16,000 plus calls come from the southern end of the state. The majority of calls concern two-year olds or younger. The Committee felt that this center not only saves lives, but also keeps people out of the hospital, and out of emergency rooms, thus cutting health care costs. Despite the state's lack of money, there are programs that must be funded to save money in the long run. The Committee did take into account the fiscal problem, and by amendment reduced the funding to \$100,000 for the first year and to \$125,000 for the second year. Vote 16-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 126-A:61, IV as inserted by section 2 of the bill by replacing it with the following:

IV. “Poison center” means the New Hampshire poison information center established under RSA 126-A:61-a.

Amend the bill by replacing section 4 with the following:

4 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 1990, and the sum of \$125,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the division of public health services, department of health and human services for the purposes of this act. These funds shall be in addition to any other funds appropriated to said division. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 429-FN-A, relative to Medicaid expansion for low-income pregnant women, infants and children; establishing a task force on low provider participation in Medicaid; and making an appropriation therefor. Ought to Pass with Amendment.

A serious and growing problem of impaired access to maternal and child health services for low-income women and children exists in New Hampshire. Due to restrictive eligibility conditions, service limitations and low provider participation, the state's Medicaid program currently fails to provide sufficient access to needed maternal and health services. A lack of available comprehensive maternity and child health

services imposes a great cost in both human and financial terms on the citizens of the state. This bill increases reimbursement rates to providers of key services, expands eligibility for Medicaid to 100% above poverty level for pregnant women and children up to seven years old and establishes a task force to study the problem. The Committee amendment decreases state expenditures from \$2,538,780 in FY90 to \$739,397 and \$6,450,525 in FY91 to \$1,625,000. Vote 16-1. Rep. Toni Pappas for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that a serious and growing problem of impaired access to maternal and child health services for low-income women and children exists in New Hampshire. Due to restrictive eligibility conditions, service limitations and low provider participation, the state's Medicaid program currently fails to provide sufficient access to needed maternal and child health services. Many low-income pregnant women and children are not eligible for the program, and many who are eligible cannot find a provider who will accept Medicaid. The general court finds that the lack of available, comprehensive maternity and child health services imposes a great cost, in both human and financial terms, on the citizens of this state. The purpose of this act is to address this problem by taking advantage of federally created options to obtain federal financial assistance to expand Medicaid eligibility and services for low-income, pregnant women, infants and children. This act also addresses the problem of low provider participation by immediately increasing the reimbursement rates for certain key services and establishing a task force to study the problem and make recommendations to the general court.

2 New Subdivision; Medical Assistance for Pregnant Women, Infants and Children Program. Amend RSA 167 by inserting after section 62 the following new subdivision:

Medical Assistance for Pregnant Women, Infants and Children Program.

167:63 Program Established. There is established within the division of human services, department of health and human services, the medical assistance for pregnant women, infants and children program.

167:64 Administration; Rulemaking. The director, division of human services, department of health and human services, shall administer the medical assistance for pregnant women, infants and children program. The director shall adopt rules pursuant to RSA 541-A in order to administer the program.

167:65 Rules; Coverage Groups; Certain Eligibility Standards; Administrative Procedures. The director of the division of human services shall adopt rules, pursuant to RSA 541-A, relative to:

I. Establishing categorically needy coverage groups under RSA 167:6, VII to provide medical assistance coverage to:

(a) Pregnant women and infants (under one year of age) with family incomes below 100 percent of the federal poverty level; and

(b) Children from one year of age to less than 8 years of age and born after September 30, 1983, in families with incomes below 100 percent of the federal poverty level.

II. Eliminating any eligibility standard or requirement with respect to resources or assets for the coverage groups described in paragraph I.

III. Providing that pregnant women found eligible for medical assistance shall remain continuously eligible without regard to any change in income of the family of

which she is a member until the end of the 60-day period beginning on the last day of her pregnancy.

IV. Establishing procedures in the medical assistance program for improved outreach and enrollment for qualified pregnant women and children, including but not limited to:

(a) Implementing shortened, simplified medical assistance application forms for the coverage groups described in paragraph I;

(b) Instituting a formal expedited procedure for processing maternity-related medical assistance applications; and

(c) Instituting a formal procedure for taking maternity-related medical assistance applications at the offices of "qualified providers" as defined under 42 U.S.C. section 1396 r-1 (b)(2)(A), (B), and (D).

167:66 Rules; Services; Reimbursement Rates. The director of the division of human services, shall adopt rules, pursuant to RSA 541-A, relative to:

I. Providing enhanced services for pregnant women or infants, or both, found eligible for medical assistance. Providers of services shall be reimbursed separately from the global fee for total obstetric care. Such services shall include:

(a) Case management services which aid pregnant women or infants, or both, found eligible for medical assistance in gaining access to needed medical, social, educational and other services;

(b) Nutrition services, including education, counseling and food or vitamin supplements;

(c) Risk reduction assistance for pregnant women in high risk pregnancies, including smoking cessation and stress and fatigue alleviation; and

(d) Home visits for infants or pregnant women in high risk pregnancies, or both, who are homebound or face risks related to their home environments.

II. Raising the reimbursement rates for obstetric services to the following minimum amounts:

(a) For total obstetric care, vaginal delivery: \$1,000; and

(b) For total obstetric care, cesarian section: \$1,200.

3 Task Force on Increasing Provider Participation in the Medical Assistance Program Established; Membership.

I. There is established the task force on increasing provider participation in the medical assistance program. The task force shall be composed of the following members:

(a) One member of the house of representatives, appointed by the speaker of the house.

(b) One member of the senate, appointed by the president of the senate.

(c) One member appointed by the governor.

(d) The commissioner of the department of health and human services or designee.

(e) The administrator of the Office of Medical Services or designee.

(f) The chief of the Bureau of Maternal and Child Health or designee.

(g) One member of the Health Data Advisory Committee appointed by the chair of that committee.

(h) The president of the New Hampshire Medical Society or designee.

(i) The president of the New Hampshire Dental Society or designee.

(j) One person to be appointed by the task force who is a medical assistance recipient.

II. Appointments to the task force shall be made within 30 days of the effective date of this act.

III. Members of the task force shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the task force.

4 Meetings; Chair. The appointed house member shall convene the first meeting of the task force within 60 days of the effective date of this act at which the chair shall be chosen.

5 Duties. The task force shall have the following duties:

I. To consider the available information on the extent of the problem of access to medical services for persons who are eligible for medical assistance, including the geographic areas and the kinds of services for which the problem is most severe.

II. To consider the factors which may inhibit provider participation, including but not limited to medical assistance reimbursement rates, program billing procedures and payment delays, and malpractice-related reasons, and to assess the relative importance of such factors.

III. To determine the difference between medical assistance reimbursement rates and the rates paid by private insurers or the average provider charge for the various medical assistance covered services.

IV. To develop recommendations and proposed legislation based on its finding for increasing provider participation in the medical assistance program.

6 Report. The task force shall report its preliminary findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than December 1, 1989, with proposed legislation for the 1990 legislative session. The task force shall report its final findings and recommendations no later than December 1, 1990, with proposed legislation for the 1991 legislative session.

7 Administrative Support. To the extent possible, the department of health and human services, the house of representatives, and the senate shall provide staff support. All state agencies are directed to cooperate fully and promptly with any requests for information for the task force.

8 Appropriation. The sum of \$739,397 from federal funds and the sum of \$739,397 from general funds for the fiscal year ending June 30, 1990, and the sum of \$1,624,797 from federal funds and \$1,624,797 from general funds for the fiscal year ending June 30, 1991, are appropriated to the division of human services, department of health and human services, for the purpose of funding the medical assistance for pregnant women, infants and children program and to fund administrative costs associated with the task force established under section 3. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Implementation.

I. The director of the division of human services shall adopt rules pursuant to RSA 541-A, to implement RSA 167:66, II, relative to reimbursement rates for obstetric services, on or before July 15, 1989.

II. The director shall adopt rules, pursuant to RSA 541-A, to implement the following on or before January 1, 1990.

(a) RSA 167:65, I, (a), relative to coverage of pregnant women and infants.

(b) RSA 167:65, II, relative to resource or assets requirements.

(c) RSA 167:65, III, relative to continuous eligibility for pregnant women.

(d) RSA 167:65, IV, relative to program administrative procedures.

(e) RSA 167:66, I, relative to enhanced medical assistance services for pregnant women.

III. The director shall adopt rules pursuant to RSA 541-A to implement RSA 167:65, I, (b), relative to coverage of children from one year of age to less than 8 years of age, on or before July 1, 1990.

10 Effective Date. This act shall take effect July 1, 1989.

Amendment adopted.

Referred to Appropriations.

HB 544-FN, relative to medical waste. Re-refer to Committee.

This bill directs the Division of Waste Management to oversee the treatment of disposal of medical waste. Although the Committee recognizes the importance of the issues addressed by the bill, there were some concerns raised that did not seem able to be resolved through rulemaking. Also, the Committee felt that more interested parties such as members of the New Hampshire Veterinary Medicine Association should be involved in the discussion of the issues. Vote 15-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Re-referred to Committee.

HB 577-FN, establishing a New Hampshire head injury advisory council. Inexpedient to Legislate.

The majority of the Committee voted to let the private sector develop an advisory council from existing centers in the state where head injuries are treated. It was felt that a non-state committee might be more creative in the study and the recommendation of plans and methods to provide and improve services to brain-injured persons, plus developing educational programs. Due to the strong financial pressure, it is expedient to avoid any new committees when there are qualified professionals, clients and citizens already available. Such a committee might be an outgrowth from the Head Injury Foundation. Vote 10-4. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Resolution adopted.

HB 612-FN, relative to nursing home care costs paid by counties. Re-refer to Committee.

The Committee supports the bill as written, as it would have a significant effect on our property taxes. However, in the light of the fiscal problems facing the state, the Committee voted to re-refer this bill in order to work out a formula whereby the counties will be gradually decreased until state and counties are back to the 50-50 ratio that this bill originally called for. John Disko, Executive Director of the New Hampshire Association of Counties, will be working with the Committee to come up with an equitable solution to this problem. Vote 13-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Re-referred to Committee.

HB 674-FN, relative to the community spouse under the Catastrophic Aid Act. Re-refer to Committee.

This bill would adopt the maximum amounts allowed by Federal Law (the Medicare Catastrophic Coverage Act) for monthly income and resource reserves to a community-based husband or wife of a nursing home resident. The Committee heard testimony from the Division of Human Services, which would administer this bill,

that the Health Care Financing Administration has not yet promulgated federal regulations giving the state guidance as to how this federal law will affect its application and recovery process. New federal regulations could require amendment of other state laws. The Committee believes the protection of the community spouse is a vital state concern and because of the regulatory uncertainties, the Committee re-refers this bill for further study and further federal clarification. Vote 16-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Re-referred to Committee.

HB 258-FN, increasing the cap on the revolving drug forfeiture fund. Ought to Pass.

This bill increases the cap on the drug forfeiture fund from \$300,000 to one million dollars. All monies in excess of one million dollars in the fund will be credited to the general fund. Vote 15-3. Rep. C. William Johnson for Judiciary.

Ordered to third reading.

HB 283-FN, relative to permanent impairment awards under workers' compensation. Re-refer to Committee.

Under an agreement, as outlined in the recommendation from the Workers' Compensation Advisory Council, which assumes no additional workers' compensation legislation involving cost to the employee or employer will be considered this session for support of HB 681, the Committee voted to re-refer this bill. Vote 13-0. Rep. Eugene Ritzo for Labor, Industrial and Rehabilitative Services.

Re-referred to Committee.

HB 681-FN, relative to workers' compensation. Ought to Pass.

This bill is a bill that has been agreed to by the Workers' Compensation Advisory Board, labor organizations, business associations, as well as legislative and executive leadership. The bill provides that if the injured employee is employed concurrently by two or more employers at the date of injury, the "average weekly wage" shall be computed on the basis of the total of all weekly wages received by the injured employee from all such employers. Under this bill, the employer in whose employment the employee was injured shall be liable in the first instance for payment of all benefits, however, any additional compensation resulting from the increase due to concurrent employment shall be reimbursed by the special fund under RSA 281-A:53. This bill adds spinal injuries to the injuries which qualify for a permanent award for a minimum of 350 weeks. The bill reaffirms co-employee tort immunity. Vote 13-0. Rep. Lawrence J. Guay for Labor, Industrial and Rehabilitative Services.

Rep. Warburton moved that the words Inexpedient to Legislate be substituted for the Committee report, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Maurice MacDonald, Guay, Turner and Hawkins spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 133

NAYS 220

YEAS 133

BELKNAP

Hardy, Earle D.
Pearson, Ralph W.

Holbrook, Robert G.
Richardson, Lawrence

Locke, Matthew J.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth

Chandler, Gene G.
 Foster, Robert W.
 Saunders, Howard N.

Chase, Russell C.
 MacDonald, Kenneth J.
 Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
 Hunt, John B.
 Morse, JoAnn T.

Blacketor, Paul G.
 Laurent, John J.
 Young, David A.

Delano, Robert F.
 Miller, Jeffrey C.

COOS

Merrill, Gerald P.

GRAFTON

Adams, Carl S.
 Christy, C. Dana
 Rose, William B.
 Townsend, Howard C.

Bean, Pamela B.
 Driscoll, William J.
 Scanlan, David M.
 Whitcomb, Henry F., Jr.

Bennett, Shirley M.
 Larson, Nils H., Jr.
 Stewart, Roger

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet G.
 Biondi, Christine A.
 Daigle, Robert A.
 Drolet, Paul L., Jr.
 Fields, Dennis H.
 Holden, Carol H.
 Knight, Alice Tirrell
 Lawrence, Norman B.
 Messier, Irene M.
 Perham, Lester R.
 Rodgers, G. Philip
 Wheeler, David K.

Alukonis, David J.
 Barry, Vivian
 Cox, Gladys M.
 Desrochers, Gerard T.
 Dykstra, Leona
 Genest, Fernand A.
 Jasper, Shawn N.
 Kurk, Neal M.
 Lown, Elizabeth D.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Searles, Stanley N., Sr.
 Wihby, Linda S.

Amidon, Eleanor H.
 Bicknell, Robert C.
 Culbert, Patrick
 Dodge, Emma M.
 Eaton, Clyde S.
 Grip, Robert H.
 Jenkins, Mary
 Lachut, Ervin R.
 McRae, Karen
 Pepino, Leo P.
 Riley, Frances L.
 Stiles, Walter A.
 Wright, George W.

MERRIMACK

Fraser, Leo W., Jr.
 Johnson, C. William
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

Gilbreth, Robert M.
 Lewis, Mary Ann
 Provencal, Leo A.
 Teague, Bert

Holmes, Mary C.
 Nichols, Avis B.
 Smith, Gerald R.
 West, George M.

ROCKINGHAM

Benton, Richardson D.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Forsythe, Douglas G.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 Parr, Ednapearl F.
 Seward, Russell G.
 Sytek, Donna P.
 Welch, David A.

Boucher, William P.
 Cooke, Annette M.
 Flanders, Harry E.
 Haynes, Richard L.
 Katsakiores, George N.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Remick, Barbara R.
 Sherburne, John L.
 Vaughn, Charles L.

Campbell, Marilyn R.
 Drake, Herbert R.
 Ford, Bert H.
 Hoelzel, Kathleen M.
 King, Roger C.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Schmidtchen, Rowland
 Stachowske, Vicki
 Warburton, Calvin

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Keans, Sandra B.
Torr, Ralph W.

Bernard, Mary E.
Flynn, Edward J.
Parks, Joe B.
Vincent, Francis C.

Brown, Julie M.
Foss, Patricia H.
Pelley, Janet R.
Young, John B.

SULLIVAN

Domini, Irene C.

Krueger, Richard H.

Peyron, Fredrik

NAYS 220**BELKNAP**

Ballou, Richard A.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
White, James J.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Daly, Robert J., Jr.

Dodge, Arthur G., Jr.

Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Hill, Douglas E.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Kenneth A.
Gordon, Irvin H.
LaMar, David M.
Perry, David M.
Spear, Susan S.

Cole, Stacey W.
Grodin, Richard A.
Matson, William R.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Guest, Robert H.
Markley, J. Keith
Wadsworth, Karen O.

Chambers, Mary P.
Dow, David O.
Hill, Richard L.
Nordgren, Sharon L.
Ward, Kathleen W.

Copenhaver, Marion L.
Eno, Larry E.
LaMott, Paul I.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Baldizar, Barbara J.
Bowers, Dorothy C.
Desrosiers, William J.
Drabinowicz, A. Theresa
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Healy, Daniel J.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Mason, Howard F.
McDowell, James E.
Morrissette, Roland A.

Beaupre, Roland O.
Brady, Carolyn L.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Johnson, Lionel W.
King, John A.
Lefebvre, Roland J.
McCann, Bonnie Lou
McNerney, Daniel P.
Murphy, Robert E.

Bcurque, Ann J.
Cowenhoven, Garret P.
Donovan, Francis X.
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hatch, William H.
Hunter, Bruce F.
Keefe, Edmund M.
Klose, John F.
Long, Linda D.
McCarthy, Daniel M.
Moore, Elizabeth A.
Nardi, Theodora P.

O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Sallada, Roland A.
 Steiner, Lee Anne S.
 Turgeon, Roland M.
 Vanderlosk, Stanley R.

Ouellette, Robert O.
 Provost, Gilles R.
 Rheault, Lillian I.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Tyree, Paul M.

Pappas, Toni
 Record, Alice B.
 Robinson, Ellen-Ann
 Soucy, Lillian E.
 Toomey, Daniel
 Upton, Barbara A.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy C.
 Daneault, Gabriel
 Fillion, Paul R.
 Jacobson, Alf E.
 Millard, Elizabeth S.
 Shaw, Randall F.
 Wallner, Mary Jane

Apple, Lowell D.
 Boucher, Laurent J.
 Dunn, Miriam D.
 Hall, Douglas E.
 Kidder, William F.
 Pantzer, Eugene E.
 Soldati, Jennifer

Barberia, Richard A.
 Carter, Susan D.
 Fair, Patricia A.
 Hill, Michael
 Lockwood, Robert A.
 Pfaff, Terence R.
 Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Fesh, Robert M.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Kane, Cecelia D.
 Klemm, Arthur P., Jr.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Simon, Peter M.
 Splaine, John E., Sr.
 Weddle, Michael R.

Bell, Juanita L.
 Brown, Lewis W.
 Conroy, Janet M.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hoar, John, Jr.
 Katsakiores, Phyllis M.
 MacDonald, Maurice B.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Wells, Henry E.

Blanchard, MaryAnn N.
 Buco, Stephen W.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 McKinney, Betsy
 Pantelakos, Laura C.
 Ritzo, Eugene
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wright, David B.

STRAFFORD

Bickford, Drucilla
 Dionne, Albert J.
 Kinney, Paula J.
 McCann, William H., Jr.
 O'Brien, John
 Stewart, Glenn W.
 Torr, Ann M.
 Wheeler, Katherine Wells

Burton, Wayne M.
 Frechette, Roland A.
 Marston, Robert E.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Sullivan, Henry P.
 Tsiros, William

Callaghan, Robert J.
 Gilmore, Gary R.
 Martling, W. Kent
 Musler, George T.
 Spencer, Leo J.
 Swope, Warren L.
 Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
 Harland, Jane A.
 MacAskill, Kenneth M.
 Schotanus, Merle W.
 and the motion lost.
 Ordered to third reading.

Burling, Peter Hoe
 Hinrichsen, Keith L.
 Middleton, John A.
 Stamatakis, Carol M.

Flint, Gordon B.
 Lucier, Edward A., Jr.
 Rodeschin, Beverly T.

HB 741-FN, relative to the debt owed the state by the workers involved in the Simplex labor dispute. Majority: Inexpedient to Legislate. Minority: Re-refer to Committee.

MAJORITY: The decision "Inexpedient to Legislate" is based upon upholding the United States Supreme Court decision that when workers are involved in a labor dispute and strike, and are paid unemployment benefits during appeal proceedings, and when the appeal is reversed, any moneys paid them must be returned to the state agency that paid the benefits. The New Hampshire Supreme Court upheld the United States Supreme Court ruling in two instance and appeal procedures. Vote 7-6. Rep. Eugene Ritzo for the Majority of Labor, Industrial and Rehabilitative Services.

MINORITY: The opportunity to collect benefits by the Simplex employees who have lost their jobs was upheld in four hearings that took place over a long period of time. The appeal overturning that decision took effect almost two years after benefits started. It was felt that due to the undue hardship that paying back six months unemployment benefits had, it would be worthwhile and would hurt nothing to explore other remedies in the federal sector before the bill was voted up or down. Re-referral is requested. Rep. Daniel Toomey for the Minority of Labor, Industrial and Rehabilitative Services.

Rep. Weddle moved that the words Re-refer to Committee be substituted for the majority report, Inexpedient to Legislate, and spoke to his motion.

Reps. Ritzo, Turner, and Hawkins spoke against the motion and yielded to questions.

Reps. Toomey and LaMott spoke in favor of the motion.

A division was requested.

116 members having voted in the affirmative and 226 in the negative, the motion lost.

Rep. Welch abstained from voting under Rule 16.

Resolution adopted.

HB 704-FN, relative to the disclosure of potential conflicts of interest by elected state officials and establishing a state ethics office. Inexpedient to Legislate.

The Committee voted unanimously against HB 704 because it is ambiguous, flawed, and would be difficult if not impossible to enforce. Members of the New Hampshire General Court are required by law to complete a financial-disclosure form when they file for office. The disclosure form reveals the candidate's major source of income and financial interests. This law was the bipartisan output of the House and Senate Majority and Minority Offices after much study and discussion.

The existing law has been in place for only one filing period. It appears to be working well and is monitored by the Secretary of State and the Attorney General.

In addition, House Rule 16 and Senate Rule 31 require that legislators abstain from voting on issues that they could financially benefit from. The Committee feels existing laws and legislative rules are adequate, fair and responsible.

The 424 essentially-volunteer members of the New Hampshire General Court have served our state well for more than 200 years. Our citizen legislators are known and respected in their communities and are held accountable for their voting records by the electorate every two years.

House Bill 704 flies in the face of New Hampshire's spirit of volunteerism. There is no compelling demand for this legislation; nor does there exist any history of unethi-

cal activities or corruption in the New Hampshire General Court. Vote 17-0. Rep. Vincent J. Palumbo for Legislative Administration.

Resolution adopted.

HB 64-FN, requiring rabies shots for cats. Ought to Pass with Amendment.

Based upon detailed research, the Committee is convinced that there is no immediate threat of a rabies epidemic in New Hampshire. It would, therefore, be both unwise and inappropriate to enact legislation which would mandate two financial burdens on the cat owners of New Hampshire: the licensing of cats (with licensing fees equal to those of dogs) and their immunization against rabies. However, the bill as amended grants authority to the governing body of each municipality, in its wisdom, to enact bylaws which require the registration of cats, or their immunization against rabies, or both, in accordance with the same statutes which pertain to the immunization and licensing of dogs. Additionally, the amendment requires the Commissioner of Agriculture to promptly notify the appropriate health and animal control officers upon receipt of a positive report of rabies from the state laboratories. Vote 13-1. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to immunizing cats against rabies and licensing cats.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes the potential and actual threat of a rabies epidemic in New Hampshire presented by cats who are not appropriately immunized. The general court also recognizes that the licensing of cats would assist in identification, should a rabies epidemic occur. Therefore, the general court hereby creates an option for communities in New Hampshire to require that cats be licensed or be immunized against rabies, or both.

2 New Section; Cats May Be Immunized. Amend RSA 436 by inserting after section 99 the following new section:

436:99-a Immunization of Cats; Local Option.

I. The governing body of a municipality may require by majority vote that all domestic cats in the municipality be immunized against rabies in accordance with the procedures applicable to dogs under RSA 436:99 through 436:109.

II. A governing body which adopts the provisions of paragraph I may rescind said adoption by majority vote of the governing body.

3 New Section; Notification by Commissioner. Amend RSA 436 by inserting after section 108 the following new section:

436:108-a Notification by Commissioner. It shall be the duty of the commissioner to notify health officials and animal control officers, if any, in a municipality where there is a suspected outbreak of rabies. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to appropriate notification procedures to carry out his duties under this section.

4 New Section; Cats May Be Licensed. Amend RSA 466 by inserting after section 1-a the following new section:

466:1-b Licensing of Cats; Local Option.

I. The governing body of a municipality may require by majority vote that all domestic cats in the municipality be licensed in accordance with the procedures applicable to dogs under the appropriate provisions of RSA 466.

II. A governing body which adopts the provisions of paragraph I may rescind said adoption by majority vote of the governing body.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the governing body of a municipality to require that all domestic cats be immunized against rabies.

The bill requires the commissioner of agriculture to notify the health officers and animal control officers, if any, in a municipality where there is a suspected outbreak of rabies.

The bill also authorizes the governing body of a municipality to require that cats be licensed.

Amendment adopted.

On a voice vote, the Chair was in doubt and called for a division.

161 members having voted in the affirmative, and 149 in the negative, the report was adopted.

Ordered to third reading.

HB 331-FN-A, to compensate Mary Elaine Crowley for an unjustified termination and making an appropriation therefor. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Majority, after listening to extensive testimony, determined that HB 331 should be Inexpedient to Legislate by a vote of 12-5. Due process was followed in the dismissal of the appellant, Mary Elaine Crowley, and the New Hampshire Supreme Court reviewed the case and found no grounds to overturn lower court and executive panel action. This Committee was not in a position to proceed with investigation of any allegations and had to stick strictly to facts presented. Rep. Clyde S. Eaton for the Majority of Regulated Revenues.

MINORITY: The sponsor feels the bill should pass as presented. The testimony heard in Committee showed Mary Elaine Crowley was fired illegally, was not given a true and fair hearing by the Personnel Board and that the Supreme Court only affirmed the Personnel Board hearing. Fiscal Note calls for state expenditure of \$89,491. Rep. James R. Rosencrantz for the Minority of Regulated Revenues.

Rep. William Desrosiers moved that the words, Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate.

(Rep. Palumbo in the Chair)

Reps. Buco, Lemire, Clyde Eaton, and Kelley spoke against the motion and yielded to questions.

Reps. Hollingworth, Matson and Rosencrantz spoke in favor of the motion.

(Rep. Burns in the Chair)

Rep. Rosencrantz yielded to questions.

Rep. Simon spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 123**NAYS 220****YEAS 123
BELKNAP**

Maviglio, Steven R.

Richardson, Lawrence

White, James J.

CARROLL

Dickinson, Howard C., Jr.

CHESHIRE

Barber, Robert E., Jr.

Cole, Kenneth A.

Hill, Douglas E.

Matson, William R.

Pearson, Gertrude B.

Pratt, Irene A.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III

Dumont, Robert E.

Kilbride, Dennis J.

Mayhew, Josephine

GRAFTON

Adams, Carl S.

Arnesen, Deborah L.

Bennett, Shirley M.

Chambers, Mary P.

Copenhaver, Marion L.

Densmore, Edward D.

LaMott, Paul I.

Markley, J. Keith

Stewart, Roger

Ward, Kathleen W.

HILLSBOROUGH

Baldizar, Barbara J.

Barry, Janet G.

Barry, Vivian

Biondi, Christine A.

Bourque, Ann J.

Daigle, Robert A.

Desrochers, Gerard T.

Desrosiers, William J.

Domaingue, Jacquelyn M.

Drabinowicz, A. Theresa

Dykstra, Leona

Emerton, Lawrence A., Sr.

Foote, Herbert N., Sr.

Gagnon, Gabrielle V.

Green, Scott E.

Gureckis, Adam C., Sr.

Jean, Romeo W.

Johnson, Lionel W.

King, John A.

Lachut, Ervin R.

Lefebvre, Roland J.

Long, Linda D.

Lown, Elizabeth D.

Lozeau, Donnalee M.

McDowell, James E.

McNerney, Daniel P.

Messier, Irene M.

Nardi, Theodora P.

O'Rourke, JoAnne A.

Ouellette, Robert O.

Packard, Bonnie B.

Perham, Lester R.

Pignatelli, Debora B.

Prestipino, Bartolo V.

Provost, Gilles R.

Reidy, Frank J.

Rheault, Lillian I.

Smith, Leonard A.

Toomey, Daniel

Turgeon, Roland M.

Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.

Beaton, Nancy C.

Fillion, Paul R.

Hall, Douglas E.

Holmes, Mary C.

Jacobson, Alf E.

Smith, Gerald R.

Soldati, Jennifer

Wallner, Mary Jane

Whittemore, James A.

ROCKINGHAM

Blanchard, MaryAnn N.

Conroy, Janet M.

Dube, LeRoy S.

Flanders, Harry E.

Gourdeau, Raymond H.

Hoar, John, Jr.

Hollingworth, Beverly A.

Katsakiores, Phyllis M.

King, Roger C.

Klemarczyk, Thaddeus E.

Lovejoy, Virginia K.

MacKinnon, Nancy W.

Magoon, Harold F.

McCain, William F.

McGovern, Cynthia A.

Palazzo, Frank J., Sr.

Pantelakos, Laura C.

Parr, Ednapearl F.

Popov, Elizabeth M.

Raynowska, Bernard J.

Remick, Barbara R.

Ritzo, Eugene

Rosencrantz, James R.

Roulston, Donald L.

Vaughn, Charles L.

Warburton, Calvin

Weddle, Michael R.

STRAFFORD

Burton, Wayne M.
 Gilmore, Gary R.
 McCann, William H., Jr.
 Pelley, Janet R.
 Wheeler, Katherine Wells

Dionne, Albert J.
 Keans, Sandra B.
 Merrill, Amanda A.
 Spencer, Leo J.

Frechette, Roland A.
 Marston, Robert E.
 O'Brien, John
 Tsiros, William

SULLIVAN

Brodeur, Robert J.
 Harland, Jane A.
 Peyron, Fredrik

Burling, Peter Hoe
 Lucier, Edward A., Jr.

Domini, Irene C.
 MacAskill, Kenneth M.

NAYS 220**BELKNAP**

Ballou, Richard A.
 Hardy, Earle D.
 Pearson, Ralph W.
 Rosen, Ralph J.
 Ziegra, Alice S.

Campbell, Richard H., Jr.
 Holbrook, Robert G.
 Randall, Kenneth A.
 Turner, Robert H.

Golden, Paul A.
 Locke, Matthew J.
 Rice, Thomas E. P., Jr.
 Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Saunders, Howard N.

Chandler, Gene G.
 Dodge, Arthur G., Jr.
 Olimpio, J. Lisbeth
 Wiggin, Allen R.

Chase, Russell C.
 Foster, Robert W.
 Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
 Crutchley, Donald O.
 Grodin, Richard A.
 Laurent, John J.
 Perry, David M.

Blacketor, Paul G.
 Delano, Robert F.
 Hunt, John B.
 Miller, Jeffrey C.
 Sawyer, Alfred P.

Cole, Stacey W.
 Gordon, Irvin H.
 LaMar, David M.
 Morse, JoAnn T.
 Young, David A.

COOS

Brungot, Catherine V.
 Lemire, George
 Nelson, Harold D.

Guay, Lawrence J.
 Marsh, Beaton
 Theriault, Romeo J.

Horton, Lynn C.
 Merrill, Gerald P.
 Woodburn, Jeffrey R.

GRAFTON

Bean, Pamela B.
 Driscoll, William J.
 Larson, Nils H., Jr.
 Scanlan, David M.
 Wadsworth, Karen O.

Christy, C. Dana
 Guest, Robert H.
 Nordgren, Sharon L.
 Teschner, Douglass P.
 Weymouth, Philip H.

Dow, David O.
 Hill, Richard L.
 Rose, William B.
 Townsend, Howard C.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
 Beaupre, Roland O.
 Brady, Carolyn L.
 Culbert, Patrick
 Dube, Ellen C.
 Fields, Dennis H.
 Goulet, Maurice E.
 Hall, Betty B.
 Healy, Daniel J.
 Hunter, Bruce F.

Alukonis, David J.
 Bicknell, Robert C.
 Cowenhoven, Garret P.
 Dodge, Emma M.
 Eaton, Clyde S.
 Frank, Nancy G.
 Grip, Robert H.
 Harlan, Susan N.
 Holden, Carol H.
 Jasper, Shawn N.

Amidon, Eleanor H.
 Bowers, Dorothy C.
 Cox, Gladys M.
 Drolet, Paul L., Jr.
 Elliott, Larry G.
 Genest, Fernand A.
 Guilbert, Lionel
 Hatch, William H.
 Hultgren, David D.
 Jenkins, Mary

Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
McRae, Karen
Murphy, Robert E.
Record, Alice B.
Rodgers, G. Philip
Stiles, Walter A.
Upton, Barbara A.
Wright, George W.

Apple, Lowell D.
Carter, Susan D.
Fair, Patricia A.
Hager, Elizabeth
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Trombly, Rick A.

Anderson, Carl F., III
Brown, Lewis W.
Campbell, Marilyn R.
Drake, Herbert R.
Flanagan, Natalie S.
Forsythe, Douglas G.
Greene, Elizabeth A.
Johnson, Robert A.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Tufts, J. Arthur
Wells, Henry E.

Appleby, James E.
Brown, Julie M.
Foss, Patricia H.
Parks, Joe B.
Sullivan, Henry P.
Torr, Ralph W.
Young, John B.

Flint, Gordon B.
Middleton, John A.
and the motion lost.

Kelley, Robert N.
Kress, Gloria W.
Mason, Howard F.
Moore, Elizabeth A.
Pappas, Toni
Riley, Frances L.
Sallada, Roland A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Young, Willard N.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Buco, Stephen W.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Beverly A.
Haynes, Richard L.
Kane, Cecelia D.
MacDonald, Maurice B.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Seward, Russell G.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie
Wright, David B.

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Kinney, Paula J.
Scharff, Thomas E.
Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Hinrichsen, Keith L.
Rodeschin, Beverly T.

Klose, John F.
Kurk, Neal M.
McCann, Bonnie Lou
Morrissette, Roland A.
Pepino, Leo P.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tyree, Paul M.
Wihby, Linda S.

Boucher, Laurent J.
Dunn, Miriam D.
Gilbreth, Robert M.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Provencal, Leo A.
Teague, Bert

Boucher, William P.
Campbell, Eunice M.
Cooke, Annette M.
Fesh, Robert M.
Ford, Bert H.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, George N.
Mace, Ada L.
McKinney, Betsy
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Sytek, Donna P.
Welch, David A.

Bickford, Drucilla
Flynn, Edward J.
Martling, W. Kent
Stewart, Glenn W.
Torr, Ann M.
Wall, Janet G.

Krueger, Richard H.
Schotanus, Merle W.

Resolution adopted.

HB 439-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of alcohol and drug abusers. Ought to Pass with Amendment.

The amendment replaces the bill and removes the dedicated funding for alcohol and drug abuse programs. The premium would be eight cents per liter on liquor, three cents per liter on wine and three cents per gallon for beer. The Committee was strongly opposed to dedicated funds for any particular program. All such monies should be appropriated through the budget process and be expended through the general fund. Vote 13-4. Rep. Betsy McKinney for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a premium upon the sale
of alcoholic beverages.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Premium on Alcoholic Beverages. Amend RSA 175 by inserting after section 17 the following new subdivision:

Premium on Alcoholic Beverages

175:18 Imposition of Premium. The liquor commission shall establish a premium charge upon all alcoholic beverages sold in New Hampshire. This premium shall be in addition to any other charge imposed under state or federal law and shall be collected in the following amounts:

I. The premium on all liquors except wines shall be \$.08 per liter.

II. The premium on wines shall be \$.03 per liter.

III. The premium on beverages shall be \$.03 per gallon.

175:19 Utilization of Funds. All funds derived from the premium imposed under RSA 175:18, less the costs of collection, shall be paid over to the state treasurer within 10 days of the subsequent month for deposit into the general fund.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill imposes a premium upon alcoholic beverages at the rate of: (a) all liquor except wines, \$.08 per liter; (b) wines, \$.03 per liter and (c) beverages, \$.03 per gallon. The revenue generated by the surcharge shall be paid to the state treasurer for deposit into the general fund.

Reps. Bourque and McKinney spoke to the amendment.

Reps. Moore and Klemm spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 119

NAYS 221

YEAS 119

BELKNAP

Ballou, Richard A.
Turner, Robert H.

Holbrook, Robert G.
Ziegra, Alice S.

Rosen, Ralph J.

CARROLL

Chandler, Gene G.

Chase, Russell C.

Dickinson, Howard C., Jr.

MacDonald, Kenneth J.
Saunders, Howard N.

Olimpio, J. Lisbeth

Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Hunt, John B.
Miller, Jeffrey C.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.

COOS

Horton, Lynn C.

Lemire, George

Marsh, Beaton

GRAFTON

Adams, Carl S.
LaMott, Paul I.
Scanlan, David M.
Whitcomb, Henry F., Jr.

Dow, David O.
Larson, Nils H., Jr.
Stewart, Roger

Hill, Richard L.
Rose, William B.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Cowenhoven, Garret P.
Desrosiers, William J.
Elliott, Larry G.
Grip, Robert H.
Johnson, Lionel W.
Klose, John F.
Morrissette, Roland A.
Rodgers, G. Philip
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Alukonis, David J.
Daigle, Robert A.
Drolet, Paul L., Jr.
Foote, Herbert N., Sr.
Hatch, William H.
Keefe, Edmund M.
Lachut, Ervin R.
Record, Alice B.
Smith, Leonard A.
Toomey, Daniel
Wright, George W.

Bicknell, Robert C.
Desrochers, Gerard T.
Eaton, Clyde S.
Gagnon, Gabrielle V.
Jean, Romeo W.
Kelley, Robert N.
McCarthy, Daniel M.
Robinson, Ellen-Ann
Stiles, Walter A.
Turgeon, Roland M.

MERRIMACK

Boucher, Laurent J.
Hager, Elizabeth
Millard, Elizabeth S.
Pfaff, Terence R.
Stio, Peter M.

Fraser, Leo W., Jr.
Hill, Michael
Nichols, Avis B.
Phelps, James D.
West, George M.

Gilbreth, Robert M.
Kidder, William F.
Pantzer, Eugene E.
Shaw, Randall F.

ROCKINGHAM

Benton, Richardson D.
Buco, Stephen W.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Johnson, Robert A.
MacDonald, Maurice B.
Palumbo, Vincent J., Jr.
Sochalski, Matthew M.
Tufts, J. Arthur

Boucher, William P.
Campbell, Eunice M.
Fesh, Robert M.
Gourdeau, Raymond H.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Ritzo, Eugene
Splaine, John E., Sr.
Vartanian, Elsie

Brown, Lewis W.
Dube, LeRoy S.
Flanders, Harry E.
Greene, Elizabeth A.
Klemm, Arthur P., Jr.
McKinney, Betsy
Skinner, Patricia M.
Stachowske, Vicki

STRAFFORD

Appleby, James E.
Stewart, Glenn W.

Frechette, Roland A.
Torr, Ann M.

Pelley, Janet R.
Vincent, Francis C.

SULLIVAN

Brodeur, Robert J.
Rodeschin, Beverly T.

Domini, Irene C.
Schotanus, Merle W.

MacAskill, Kenneth M.

NAYS 221 BELKNAP

Campbell, Richard H., Jr.	Golden, Paul A.	Hardy, Earle D.
Hawkins, Robert S.	Locke, Matthew J.	Maviglio, Steven R.
Pearson, Ralph W.	Randall, Kenneth A.	Rice, Thomas E. P., Jr.
Richardson, Lawrence	Vogler, Charles C.	White, James J.

CARROLL

Allard, Nanci A.	Dodge, Arthur G., Jr.	Foster, Robert W.
Wiggin, Allen R.		

CHESHIRE

Avery, Stephen G.	Barber, Robert E., Jr.	Cole, Kenneth A.
Hill, Douglas E.	Matson, William R.	Morse, JoAnn T.
Pearson, Gertrude B.	Perry, David M.	Pratt, Irene A.
Spear, Susan S.	Young, David A.	

COOS

Brungot, Catherine V.	Buckley, C. Fitzgerald, III	Dumont, Robert E.
Guay, Lawrence J.	Kilbride, Dennis J.	Mayhew, Josephine
Merrill, Gerald P.	Nelson, Harold D.	Oleson, Otto H.
Theriault, Romeo J.	Woodburn, Jeffrey R.	

GRAFTON

Arnesen, Deborah L.	Bean, Pamela B.	Bennett, Shirley M.
Chambers, Mary P.	Christy, C. Dana	Copenhaver, Marion L.
Driscoll, William J.	Eno, Larry E.	Guest, Robert H.
Markley, J. Keith	Nordgren, Sharon L.	Teschner, Douglass P.
Townsend, Howard C.	Wadsworth, Karen O.	Weymouth, Philip H.

HILLSBOROUGH

Amidon, Eleanor H.	Baldizar, Barbara J.	Barry, Janet G.
Barry, Vivian	Biondi, Christine A.	Bourque, Ann J.
Bowers, Dorothy C.	Brady, Carolyn L.	Cox, Gladys M.
Culbert, Patrick	Dodge, Emma M.	Domaingue, Jacquelyn M.
Drabinowicz, A. Theresa	Dube, Ellen C.	Dwyer, Patricia R.
Dykstra, Leona	Emerton, Lawrence A., Sr.	Fields, Dennis H.
Frank, Nancy G.	Genest, Fernand A.	Goulet, Maurice E.
Green, Scott E.	Guilbert, Lionel	Gureckis, Adam C., Sr.
Hall, Betty B.	Harlan, Susan N.	Holden, Carol H.
Hultgren, David D.	Hunter, Bruce F.	Jasper, Shawn N.
Jenkins, Mary	King, John A.	Knight, Alice Tirrell
Kress, Gloria W.	Kurk, Neal M.	Lawrence, Norman B.
Lefebvre, Roland J.	Long, Linda D.	Lown, Elizabeth D.
Lozeau, Donnalee M.	Mason, Howard F.	McCann, Bonnie Lou
McDowell, James E.	McNerney, Daniel P.	McRae, Karen
Messier, Irene M.	Moore, Elizabeth A.	Murphy, Robert E.
Nardi, Theodora P.	O'Rourke, JoAnne A.	Ouellette, Robert O.
Packard, Bonnie B.	Pappas, Toni	Pepino, Leo P.
Perham, Lester R.	Pignatelli, Debora B.	Prestipino, Bartolo V.
Provost, Gilles R.	Reidy, Frank J.	Rheault, Lillian I.
Riley, Frances L.	Sallada, Roland A.	Searles, Stanley N., Sr.
Soucy, Lillian E.	Tyree, Paul M.	Upton, Barbara A.
Wheeler, David K.	Wihby, Linda S.	Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy C.
 Dunn, Miriam D.
 Hall, Douglas E.
 Johnson, C. William
 Provencal, Leo A.
 Trombly, Rick A.

Apple, Lowell D.
 Carter, Susan D.
 Fair, Patricia A.
 Holmes, Mary C.
 Lewis, Mary Ann
 Smith, Gerald R.
 Wallner, Mary Jane

Barberia, Richard A.
 Daneault, Gabriel
 Fillion, Paul R.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Soldati, Jennifer
 Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
 Chase, Lawrence A., Jr.
 Drake, Herbert R.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Senter, Marilyn P.
 Sytek, Donna P.
 Weddle, Michael R.
 Wright, David B.

Blanchard, MaryAnn N.
 Conroy, Janet M.
 Ford, Bert H.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis M.
 MacKinnon, Nancy W.
 McCarthy, John J., Jr.
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.
 Vaughn, Charles L.
 Welch, David A.

Campbell, Marilyn R.
 Cooke, Annette M.
 Forsythe, Douglas G.
 Hoar, John, Jr.
 Kane, Cecelia D.
 King, Roger C.
 Mace, Ada L.
 McGovern, Cynthia A.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Warburton, Calvin
 Wells, Henry E.

STRAFFORD

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Keans, Sandra B.
 Martling, W. Kent
 O'Brien, John
 Spencer, Leo J.
 Torr, Ralph W.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Kinney, Paula J.
 McCann, William H., Jr.
 Parks, Joe B.
 Sullivan, Henry P.
 Tsiros, William
 Young, John B.

Brown, Julie M.
 Flynn, Anita A.
 Gilmore, Gary R.
 Marston, Robert E.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Swope, Warren L.
 Wall, Janet G.

SULLIVAN

Burling, Peter Hoc
 Hinrichsen, Keith L.
 Middleton, John A.

Flint, Gordon B.
 Krueger, Richard H.
 Peyron, Fredrik

Harland, Jane A.
 Lucier, Edward A., Jr.
 Stamatakis, Carol M.

and the amendment lost.

Rep. Lawrence moved that the words Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass.

Reps. Clyde Eaton, Welch, David Young, White, and Guay spoke in favor of the motion and yielded to questions.

Reps. Sytek, Spencer and Ward spoke against the motion.

Rep. Phelps moved that debate be limited.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 113**NAYS 230****YEAS 113
BELKNAP**

Locke, Matthew J.
White, James J.

Richardson, Lawrence
Ziegra, Alice S.

Vogler, Charles C.

CARROLL

Allard, Nanci A.
Wiggin, Allen R.

Chandler, Gene G.

MacDonald, Kenneth J.

CHESHIRE

Avery, Stephen G.
Gordon, Irvin H.
Hunt, John B.
Young, David A.

Cole, Stacey W.
Grodin, Richard A.
Matson, William R.

Delano, Robert F.
Hill, Douglas E.
Morse, JoAnn T.

COOS

Brungot, Catherine V.
Lemire, George
Oleson, Otto H.

Buckley, C. Fitzgerald, III
Merrill, Gerald P.
Theriault, Romeo J.

Guay, Lawrence J.
Nelson, Harold D.

GRAFTON

Dow, David O.

Eno, Larry E.

Stewart, Roger

HILLSBOROUGH

Alukonis, David J.
Culbert, Patrick
Drabinowicz, A. Theresa
Eaton, Clyde S.
Gagnon, Gabrielle V.
Hunter, Bruce F.
Lachut, Ervin R.
Mason, Howard F.
Riley, Frances L.
Vanderlosk, Stanley R.
Young, Willard N.

Barry, Janet G.
Desrosiers, William J.
Drolet, Paul L., Jr.
Elliott, Larry G.
Goulet, Maurice E.
Johnson, Lionel W.
Lawrence, Norman B.
McCarthy, Daniel M.
Sallada, Roland A.
Wheeler, David K.

Cowenhoven, Garret P.
Dodge, Emma M.
Dykstra, Leona
Fields, Dennis H.
Healy, Daniel J.
Kurk, Neal M.
Long, Linda D.
Pepino, Leo P.
Upton, Barbara A.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Johnson, C. William
Phelps, James D.
Teague, Bert

Beaton, Nancy C.
Lockwood, Robert A.
Smith, Gerald R.

Gilbreth, Robert M.
Millard, Elizabeth S.
Stio, Peter M.

ROCKINGHAM

Anderson, Carl F., III
Felch, Charles H., Sr.
Ford, Bert H.
Gourdeau, Raymond H.
Klemm, Arthur P., Jr.
McKinney, Betsy
Raynowska, Bernard J.
Schmidtchen, Rowland
Simon, Peter M.
Vartanian, Elsie

Drake, Herbert R.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Remick, Barbara R.
Senter, Marilyn P.
Skinner, Patricia M.
Welch, David A.

Dube, LeRoy S.
Flanders, Harry E.
Gage, Beverly A.
Hoar, John, Jr.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Roulston, Donald L.
Seward, Russell G.
Stachowske, Vicki
Wells, Henry E.

STRAFFORD

Bickford, Drucilla
Swope, Warren L.

Dionne, Albert J.
Torr, Ann M.

Sullivan, Henry P.
Tsiros, William

SULLIVAN

Brodeur, Robert J.
MacAskill, Kenneth M.

Domini, Irene C.
Middleton, John A.

Krueger, Richard H.
Rodeschin, Beverly T.

NAYS 230**BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.

Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Chase, Russell C.
Foster, Robert W.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Miller, Jeffrey C.
Pratt, Irene A.

Blacketor, Paul G.
LaMar, David M.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Kenneth A.
Laurent, John J.
Perry, David M.
Spear, Susan S.

COOS

Dumont, Robert E.
Marsh, Beaton

Horton, Lynn C.
Mayhew, Josephine

Kilbride, Dennis J.
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Driscoll, William J.
LaMott, Paul I.
Nordgren, Sharon L.
Teschner, Douglass P.
Ward, Kathleen W.

Arnesen, Deborah L.
Chambers, Mary P.
Guest, Robert H.
Larson, Nils H., Jr.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Markley, J. Keith
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Biondi, Christine A.
Brady, Carolyn L.
Desrochers, Gerard T.
Dwyer, Patricia R.
Frank, Nancy G.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jean, Romeo W.
Kelley, Robert N.
Knight, Alice Tirrell
Lown, Elizabeth D.
McDowell, James E.
Messier, Irene M.

Amidon, Eleanor H.
Beaupre, Roland O.
Bourque, Ann J.
Cox, Gladys M.
Domaingue, Jacquelyn M.
Emerton, Lawrence A., Sr.
Genest, Fernand A.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
King, John A.
Kress, Gloria W.
Lozeau, DonnaLee M.
McNerney, Daniel P.
Moore, Elizabeth A.

Baldizar, Barbara J.
Bicknell, Robert C.
Bowers, Dorothy C.
Daigle, Robert A.
Dube, Ellen C.
Foote, Herbert N., Sr.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Jasper, Shawn N.
Keefe, Edmund M.
Klose, John F.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland A.

Murphy, Robert E.
 Ouellette, Robert O.
 Perham, Lester R.
 Provost, Gilles R.
 Rheault, Lillian I.
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Tyree, Paul M.

Nardi, Theodora P.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Record, Alice B.
 Robinson, Ellen-Ann
 Smith, Leonard A.
 Tarpley, Nancy L.
 Wihby, Linda S.

O'Rourke, JoAnne A.
 Pappas, Toni
 Prestipino, Bartolo V.
 Reidy, Frank J.
 Rodgers, G. Philip
 Soucy, Lillian E.
 Turgeon, Roland M.

MERRIMACK

Anderson, Eleanor M.
 Carter, Susan D.
 Fair, Patricia A.
 Hager, Elizabeth
 Holmes, Mary C.
 Lewis, Mary Ann
 Pfaff, Terence R.
 Soldati, Jennifer
 West, George M.

Apple, Lowell D.
 Daneault, Gabriel
 Fillion, Paul R.
 Hall, Douglas E.
 Jacobson, Alf E.
 Nichols, Avis B.
 Provencal, Leo A.
 Trombly, Rick A.
 Whittemore, James A.

Boucher, Laurent J.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hill, Michael
 Kidder, William F.
 Pantzer, Eugene E.
 Shaw, Randall F.
 Wallner, Mary Jane

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Gage, Thomas U.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McGovern, Cynthia A.
 Popov, Elizabeth M.
 Sherburne, John L.
 Tufts, J. Arthur
 Weddle, Michael R.

Blanchard, MaryAnn N.
 Bucu, Stephen W.
 Chase, Lawrence A., Jr.
 Flanagan, Natalie S.
 Greene, Elizabeth A.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 Pantelakos, Laura C.
 Ritzo, Eugene
 Splaine, John E., Sr.
 Vaughn, Charles L.
 Wright, David B.

Boucher, William P.
 Campbell, Eunice M.
 Conroy, Janet M.
 Flanders, John W., Sr.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 McCain, William F.
 Parr, Ednapearl F.
 Rosencrantz, James R.
 Sytek, Donna P.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Foss, Patricia H.
 Keans, Sandra B.
 Martling, W. Kent
 O'Brien, John
 Scharff, Thomas E.
 Torr, Ralph W.
 Wheeler, Katherine Wells

Bernard, Mary E.
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 McCann, William H., Jr.
 Parks, Joe B.
 Spencer, Leo J.
 Vincent, Francis C.
 Young, John B.

Brown, Julie M.
 Flynn, Edward J.
 Gilmore, Gary R.
 Marston, Robert E.
 Merrill, Amanda A.
 Pelley, Janet R.
 Stewart, Glenn W.
 Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
 Hinrichsen, Keith L.
 Schotanus, Merle W.
 and the motion lost.

Flint, Gordon B.
 Lucier, Edward A., Jr.
 Stamatakis, Carol M.

Harland, Jane A.
 Peyron, Fredrik

Question being adoption of the Committee report, Ought to Pass.

Adopted.

To Ways and Means.

HB 132-FN, relative to the division of water supply and pollution control enforcement orders. Ought to Pass.

This legislation clarifies the authority of the Division of Water Supply and Pollution Control to issue orders requiring remedial action, the appropriate forum for appeals of such orders and the waiver of recording fee for orders issued under RSA 149-E. The provisions relating to the ability of municipalities to obtain concurrent jurisdiction to enforce RSA 149-E have not been changed. The Committee supports the recording of orders at the Registry of Deeds. It is a method to alert potential purchasers of the property to the existence of a problem on the property. The order will be discharged when the owner has complied thereto. It shall remain the responsibility of the owner to pay the discharge fee of the order. Vote 16-1. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Ordered to third reading.

HB 223-FN, relative to investment of state funds in corporations doing business in Northern Ireland. Ought to Pass.

The Committee voted 14 to 5 to pass HB 223 which establishes guidelines to be followed by the State Treasurer when considering whether to invest in corporations doing business in Northern Ireland. These guidelines are consistent with sound investment policy and prudent fiduciary standards. Further, these guidelines are flexible, responsible, and in line with New Hampshire's strong tradition of economic justice and fair employment practices.

HB 223 is fundamentally different from last year's MacBride Principles Bill which called for divestment. HB 223 in no way affects British Law, has nothing to do with setting foreign policy, and in no way directly involves New Hampshire in the affairs of that troubled land.

The testimony was overwhelmingly in favor of HB 223. This bill deals only with the way New Hampshire invests its money.

HB 223 simply is the right thing to do. Rep. Vincent J. Palumbo, Jr. for State-Federal Relations.

Rep. Blacketor moved that the words Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Reps. McCann and Palumbo spoke against the motion and yielded to questions.

Rep. Kurk spoke in favor of the motion.

Rep. Phelps moved that debate be limited.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 127

NAYS 213

YEAS 127

BELKNAP

Campbell, Richard H., Jr.

Golden, Paul A.

Holbrook, Robert G.

Locke, Matthew J.

Turner, Robert H.

Vogler, Charles C.

Ziegra, Alice S.

CARROLL

Allard, Nanci A.

Dickinson, Howard C., Jr.

Dodge, Arthur G., Jr.

Foster, Robert W.

Olimpio, J. Lisbeth

Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.
Pearson, Gertrude B.

LaMar, David M.
Perry, David M.

Morse, JoAnn T.

COOS

Buckley, C. Fitzgerald, III

Oleson, Otto H.

GRAFTON

Dow, David O.
Rose, William B.
Ward, Kathleen W.

Hill, Richard L.
Stewart, Roger
Weymouth, Philip H.

Larson, Nils H., Jr.
Townsend, Howard C.

HILLSBOROUGH

Ahrens, Frederick G.
Beaupre, Roland O.
Dodge, Emma M.
Goulet, Maurice E.
Hatch, William H.
Jasper, Shawn N.
Kurk, Neal M.
McNerney, Daniel P.
Murphy, Robert E.
Rodgers, G. Philip
Stiles, Walter A.
Young, Willard N.

Amidon, Eleanor H.
Bowers, Dorothy C.
Domaingue, Jacquelyn M.
Grip, Robert H.
Holden, Carol H.
Johnson, Lionel W.
Lown, Elizabeth D.
McRae, Karen
Packard, Bonnie B.
Sallada, Roland A.
Upton, Barbara A.

Barry, Vivian
Desrochers, Gerard T.
Foote, Herbert N., Sr.
Guilbert, Lionel
Hultgren, David D.
Knight, Alice Tirrell
Mason, Howard F.
Messier, Irene M.
Riley, Frances L.
Searles, Stanley N., Sr.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Jacobson, Alf E.
Lewis, Mary Ann
Provencal, Leo A.
Stio, Peter M.

Boucher, Laurent J.
Johnson, C. William
Nichols, Avis B.
Shaw, Randall F.
West, George M.

Gilbreth, Robert M.
Kidder, William F.
Pantzer, Eugene E.
Smith, Gerald R.

ROCKINGHAM

Anderson, Carl F., III
Campbell, Eunice M.
Fesh, Robert M.
Gage, Thomas U.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McCarthy, John J., Jr.
Rosencrantz, James R.
Seward, Russell G.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Benton, Richardson D.
Campbell, Marilyn R.
Flanagan, Natalie S.
Gourdeau, Raymond H.
Johnson, Robert A.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Parr, Ednapearl F.
Roulston, Donald L.
Sherburne, John L.
Tufts, J. Arthur
Warburton, Calvin

Buco, Stephen W.
Dube, LeRoy S.
Flanders, Harry E.
Hoar, John, Jr.
King, Roger C.
Mace, Ada L.
McCain, William F.
Ritzo, Eugene
Schmidtchen, Rowland
Skinner, Patricia M.
Vartanian, Elsie
Welch, David A.

STRAFFORD

Appleby, James E.
Marston, Robert E.
Sullivan, Henry P.

Brown, Julie M.
Martling, W. Kent
Torr, Ralph W.

Frechette, Roland A.
Pelley, Janet R.
Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
MacAskill, Kenneth M.

Burling, Peter Hoe
Middleton, John A.

Domini, Irene C.

NAYS 213 BELKNAP

Ballou, Richard A.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
White, James J.

Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence

Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.

CARROLL

Chandler, Gene G.
Saunders, Howard N.

Chase, Russell C.

MacDonald, Kenneth J.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Miller, Jeffrey C.
Spear, Susan S.

Barber, Robert E., Jr.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pratt, Irene A.
Young, David A.

Cole, Kenneth A.
Delano, Robert F.
Hill, Douglas E.
Matson, William R.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Merrill, Gerald P.
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.
Wadsworth, Karen O.

Arnesen, Deborah L.
Chambers, Mary P.
Driscoll, William J.
LaMott, Paul I.
Scanlan, David M.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Eno, Larry E.
Markley, J. Keith
Teschner, Douglass P.

HILLSBOROUGH

Alukonis, David J.
Biondi, Christine A.
Cowenhoven, Garret P.
Daigle, Robert A.
Drolet, Paul L., Jr.
Dykstra, Leona
Fields, Dennis H.
Genest, Fernand A.
Hall, Betty B.
Hunter, Bruce F.
Keefe, Edmund M.
Klose, John F.
Lawrence, Norman B.
McCann, Bonnie Lou
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pepino, Leo P.
Prestipino, Bartolo V.
Reidy, Frank J.

Baldizar, Barbara J.
Bourque, Ann J.
Cox, Gladys M.
Desrosiers, William J.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Harlan, Susan N.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Long, Linda D.
McCarthy, Daniel M.
Morrissette, Roland A.
Ouellette, Robert O.
Perham, Lester R.
Provost, Gilles R.
Rheault, Lillian I.

Bicknell, Robert C.
Brady, Carolyn L.
Culbert, Patrick
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Jenkins, Mary
King, John A.
Lachut, Ervin R.
Lozeau, DonnaLee M.
McDowell, James E.
Nardi, Theodora P.
Pappas, Toni
Pignatelli, Debora B.
Record, Alice B.
Robinson, Ellen-Ann

Smith, Leonard A.
Toomey, Daniel
Vanderlosk, Stanley R.

Soucy, Lillian E.
Turgeon, Roland M.
Wheeler, David K.

Tarpley, Nancy L.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Fair, Patricia A.
Hager, Elizabeth
Holmes, Mary C.
Phelps, James D.
Trombly, Rick A.

Barberia, Richard A.
Daneault, Gabriel
Fillion, Paul R.
Hall, Douglas E.
Lockwood, Robert A.
Soldati, Jennifer
Wallner, Mary Jane

Beaton, Nancy C.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hill, Michael
Millard, Elizabeth S.
Teague, Bert
Whittemore, James A.

ROCKINGHAM

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Drake, Herbert R.
Ford, Bert H.
Greene, Elizabeth A.
Kane, Cecelia D.
MacDonald, Maurice B.
McKinney, Betsy
Pantelakos, Laura C.
Remick, Barbara R.
Splaine, John E., Sr.
Wright, David B.

Boucher, William P.
Conroy, Janet M.
Felch, Charles H., Sr.
Forsythe, Douglas G.
Haynes, Richard L.
Katsakiores, Phyllis M.
MacKinnon, Nancy W.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Senter, Marilyn P.
Stachowske, Vicki

Brown, Lewis W.
Cooke, Annette M.
Flanders, John W., Sr.
Gage, Beverly A.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
McGovern, Cynthia A.
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Simon, Peter M.
Weddle, Michael R.

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
O'Brien, John
Spencer, Leo J.
Torr, Ann M.
Wall, Janet G.

Bickford, Drucilla
Flynn, Anita A.
Gilmore, Gary R.
McCann, William H., Jr.
Parks, Joe B.
Stewart, Glenn W.
Tsiros, William
Young, John B.

Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra B.
Merrill, Amanda A.
Scharff, Thomas E.
Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Flint, Gordon B.
Krueger, Richard H.
Rodeschin, Beverly T.

Harland, Jane A.
Lucier, Edward A., Jr.
Schotanus, Merle W.

Hinrichsen, Keith L.
Peyron, Fredrik
Stamatakis, Carol M.

and the motion lost.

Rep. Fesh notified the Clerk that he inadvertently voted yea and meant to vote nay.
Ordered to third reading.

HB 51, relative to a vehicle width on certain highways. Ought to Pass.

This bill increases the authorized width of a vehicle from 96 inches to 102 inches. Passage of this bill will establish a uniform maximum width of 102 inches for all vehicles on all highways of New Hampshire. Currently, we have buses and many trucks with allowable width of 102 inches operating on all highways. Federal regulations require all states to allow the wider vehicles reasonable access from one federal highway to another. The fact that the change requested is so small causes the Commit-

tee to recommend passage of this bill to bring our laws in line with those of neighboring states. Vote 16-0. Rep. Irvin H. Gordon for Transportation.

Rep. Kean moved that the words Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to her motion.

Reps. Gordon and White spoke against the motion.

Rep. Palumbo moved that debate be limited.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 76

NAYS 248

**YEAS 76
BELKNAP**

Golden, Paul A.

Maviglio, Steven R.

CHESHIRE

Barber, Robert E., Jr.

LaMar, David M.

Matson, William R.

Pratt, Irene A.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III

GRAFTON

Arnesen, Deborah L.

Bennett, Shirley M.

Copenhaver, Marion L.

Eno, Larry E.

Guest, Robert H.

Nordgren, Sharon L.

Ward, Kathleen W.

HILLSBOROUGH

Baldizar, Barbara J.

Barry, Vivian

Cox, Gladys M.

Domaingue, Jacquelyn M.

Dwyer, Patricia R.

Elliott, Larry G.

Gagnon, Gabrielle V.

Genest, Fernand A.

Green, Scott E.

Hall, Betty B.

Kress, Gloria W.

Long, Linda D.

Lozeau, Donnalee M.

McRae, Karen

Messier, Irene M.

Moore, Elizabeth A.

Nardi, Theodora P.

Packard, Bonnie B.

Pignatelli, Debora B.

Robinson, Ellen-Ann

Smith, Leonard A.

Wright, George W.

MERRIMACK

Anderson, Eleanor M.

Beaton, Nancy C.

Dunn, Miriam D.

Hall, Douglas E.

Holmes, Mary C.

Jacobson, Alf E.

Pantzer, Eugene E.

Soldati, Jennifer

Stio, Peter M.

Trombly, Rick A.

Wallner, Mary Jane

ROCKINGHAM

Blanchard, MaryAnn N.

Buco, Stephen W.

Dube, LeRoy S.

Hoelzel, Kathleen M.

Hollingworth, Beverly A.

Kane, Cecelia D.

Lovejoy, Virginia K.

McGovern, Cynthia A.

Popov, Elizabeth M.

Senter, Marilyn P.

Splaine, John E., Sr.

Vaughn, Charles L.

Warburton, Calvin

Weddle, Michael R.

STRAFFORD

Appleby, James E.

Foss, Patricia H.

Gilmore, Gary R.

Keans, Sandra B.

Merrill, Amanda A.

O'Brien, John

Parks, Joc B.

Pelley, Janet R.

Wheeler, Katherine Wells

Young, John B.

SULLIVAN

Brodeur, Robert J.
Stamatakis, Carol M.

Burling, Peter Hoe

Middleton, John A.

NAYS 248**BELKNAP**

Ballou, Richard A.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Hardy, Earle D.
Locke, Matthew J.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chase, Russell C.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Miller, Jeffrey C.
Perry, David M.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Morse, JoAnn T.
Sawyer, Alfred P.

COOS

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Guay, Lawrence J.
Lemire, George
Merrill, Gerald P.
Theriault, Romeo J.

Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Dow, David O.
Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Driscoll, William J.
Markley, J. Keith
Stewart, Roger
Wadsworth, Karen O.

Christy, C. Dana
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Beaupre, Roland O.
Bourque, Ann J.
Daigle, Robert A.
Dodge, Emma M.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Frank, Nancy G.
Guilbert, Lionel
Hatch, William H.
Hultgren, David D.
Jean, Romeo W.
Keefe, Edmund M.
Klose, John F.

Alukonis, David J.
Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dykstra, Leona
Fields, Dennis H.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Hunter, Bruce F.
Jenkins, Mary
Kelley, Robert N.
Kurk, Neal M.

Amidon, Eleanor H.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Eaton, Clyde S.
Foote, Herbert N., Sr.
Grip, Robert H.
Harlan, Susan N.
Holden, Carol H.
Jasper, Shawn N.
Johnson, Lionel W.
King, John A.
Lachut, Ervin R.

Lefebvre, Roland J.
McCann, Bonnie Lou
Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Rheault, Lillian I.
Sallada, Roland A.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.

Lown, Elizabeth D.
McDowell, James E.
Ouellette, Robert O.
Perham, Lester R.
Record, Alice B.
Riley, Frances L.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Upton, Barbara A.
Wihby, Linda S.

Mason, Howard F.
Morrissette, Roland A.
Pappas, Toni
Prestipino, Bartolo V.
Reidy, Frank J.
Rodgers, G. Philip
Soucy, Lillian E.
Turgeon, Roland M.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Fillion, Paul R.
Hager, Elizabeth
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.
West, George M.

Barberia, Richard A.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hill, Michael
Lockwood, Robert A.
Phelps, James D.
Smith, Gerald R.

Boucher, Laurent J.
Fair, Patricia A.
Gilbreth, Robert M.
Johnson, C. William
Millard, Elizabeth S.
Provencal, Leo A.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Chase, Lawrence A., Jr.
Drake, Herbert R.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacKinnon, Nancy W.
Malcolm, Kenneth W.
McKinney, Betsy
Pantelakos, Laura C.
Remick, Barbara R.
Roulston, Donald L.
Sherburne, John L.
Stachowske, Vicki
Welch, David A.

Benton, Richardson D.
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Mace, Ada L.
McCain, William F.
Palazzo, Frank J., Sr.
Parr, Ednapearl F.
Ritzo, Eugene
Schmidtchen, Rowland
Simon, Peter M.
Sytek, Donna P.
Wells, Henry E.

Boucher, William P.
Campbell, Marilyn R.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
Magoon, Harold F.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Rosencrantz, James R.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Wright, David B.

STRAFFORD

Bernard, Mary E.
Burton, Wayne M.
Flynn, Edward J.
Marston, Robert E.
Spencer, Leo J.
Torr, Ann M.
Vincent, Francis C.

Bickford, Drucilla
Dionne, Albert J.
Frechette, Roland A.
Martling, W. Kent
Stewart, Glenn W.
Torr, Ralph W.
Wall, Janet G.

Brown, Julie M.
Flynn, Anita A.
Kinney, Paula J.
Scharff, Thomas E.
Sullivan, Henry P.
Tsiros, William

SULLIVAN

Domini, Irene C.
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Schotanus, Merle W.

Flint, Gordon B.
Krueger, Richard H.
Peyron, Fredrik

Harland, Jane A.
Lucier, Edward A., Jr.
Rodeschin, Beverly T.

and the motion lost.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Rules be so far suspended as to permit consideration, and final passage at the present time of HB 750-FN, establishing a redevelopment commission relative to Pease Air Force Base.

Adopted by the necessary two-thirds.

HB 750-FN, establishing a redevelopment commission relative to Pease Air Force Base. Ought to Pass with Amendment.

This amendment is a total replacement for the original bill and has received the support of the City of Portsmouth, the Town of Newington and the Governor's Office.

An eight-member commission is established to monitor the proposed closing, employ staff and consultants and make recommendations for the future use of the base if it is closed.

Two members will be appointed by the Governor and Council, two members by the Mayor and City Council of Portsmouth, two members by the Selectmen of Newington; one by the President of the Senate and one by the Speaker of the House.

This commission will be the official spokesman for the State of New Hampshire in the negotiations with the federal government.

There is an appropriation of \$150,000 for the balance of this biennium and \$200,000 for the next biennium.

This act repeals the 1975 session law that could have proven to be a complication in the negotiations with the federal government.

Whatever plan is developed, we are sure that it will be one that all parties involved agree will be the best for the economy, environment and quality of life for the people of the affected communities, the seacoast region and the state. Vote 17-0. Rep. James D. Phelps for Legislative Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a redevelopment commission relative to Pease Air Force Base
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that the potential closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, city of Portsmouth, the seacoast region and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base is necessary to ensure proper planning and optimal use of the property in the event of the closing. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air

Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state. Furthermore, because of the varied and complex nature of these issues and their long-lasting impact, the general court finds that it is in the best interest of the affected municipalities, the seacoast region, and the state to establish a special commission of state and local representatives to develop a comprehensive conversion and redevelopment plan for Pease Air Force Base.

2 Redevelopment Commission Established.

I. There is hereby established a commission to be known as the Pease Air Force Base redevelopment commission. The members of the commission shall be as follows:

- (a) Two members appointed by the governor and council;
- (b) Two members appointed by the mayor and city council of the city of Portsmouth;
- (c) Two members appointed by the board of selectmen of the town of Newington;
- (d) One member appointed by the president of the senate; and
- (e) One member appointed by the speaker of the house of representatives.

II. The governor shall appoint the chairman of the commission. Commission members shall serve at the pleasure of their appointing authority.

III. Appointments of all commission members shall be made within 20 days of the effective date of this act. The first meeting shall be held no later than 30 days after the effective date of this act. Thereafter, the commission shall meet on at least a quarterly basis. In addition, meetings may be called at any time by the chairman of the commission or, when requested, by any 2 commission members. No meeting shall take place and no business shall be conducted unless a quorum is present.

IV. Five commission members shall constitute a quorum, provided that a minimum of 5 affirmative votes shall be required for any action of the commission, unless otherwise expressly provided herein. A commission member shall abstain from voting on matters in which he has a financial interest, whether personally or through a spouse or dependent.

V. The commission members shall serve without compensation from the commission, except for such incidental expenses determined by the commission to be necessary and incurred while performing commission business.

3 Duties.

I. The commission shall perform the following duties:

- (a) Monitor the proposed closing of Pease Air Force Base.
- (b) Conduct a comprehensive study of all issues related to the closure, conversion, redevelopment and future use of Pease Air Force Base. This study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state.

(c) Review all options relative to the most appropriate use of the base.

(d) Formulate a comprehensive plan incorporating the best options for conversion and redevelopment of Pease Air Force Base and submit this plan to the appointing authorities at least 15 days prior to formal submission to the federal authorities.

(e) Submit the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

4 Powers. The commission shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To appoint a coordinator, committees, subcommittees, ex officio members of the commission, agents and employees, without regard to any personnel or civil service law or rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation and expenses.

II. To apply for and accept gifts, loans, or grants of funds, money, materials, labor, supplies, or services from the United States of America or the state of New Hampshire or its agencies or departments, or any municipality or county, or any other person, and to carry out the terms or provisions or make agreements with respect to any such gifts, loans, or grants, and to do any and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

III. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the commission under this act, including contracts with any engineer, consultant, firm, corporation, municipality, state agency, governmental unit, or other person, foreign or domestic.

IV. To make any inquiry, investigation, survey, feasibility study or other study which the commission may deem necessary to enable it to carry out effectively the provisions of this act.

V. To study means of attracting commerce and industry to the city, town, seacoast region, and state following closure of Pease Air Force Base.

VI. To adopt rules in accordance with RSA 541-A or bylaws relative to the operation of the commission, and any other matter relative to the administration of this act.

VII. To take such other action as it may deem necessary or advisable in the furtherance of the purposes of this act.

5 Coordinator.

I. The commission shall appoint a coordinator, who shall be the chief executive and administrative officer of the commission and shall have general and active supervision and direction over the day-to-day business and affairs of the commission and its committees, subcommittees, employees, and consultants, subject, however, to the direction and control of the commission.

II. The coordinator shall perform all such other duties as from time to time may be assigned to him by the commission.

III. The coordinator shall be entitled to such compensation established by the commission and for such other necessary expenses incurred while actually engaged in the performance of his duties under this act.

IV. Once appointed, the coordinator shall serve in such capacity until he resigns or is removed by vote of the commission. The commission may remove the coordinator without cause and for any reason.

6 Coordination with Federal Authorities.

I. In addition to any other duties set forth in any provision of this act, the commission shall coordinate with, and provide information to, the United States Department of Defense and any official or employee thereof, or any other agency or branch of the federal government, regarding any matter related to the closure, conversion, redevelopment, or future use of Pease Air Force Base. Except for the adjutant general and notwithstanding any other provision of law, neither the state nor any political subdivision of the state, nor any agency or governmental unit thereof, shall submit to the United States Department of Defense or any official or employee thereof, or any other agency of the federal government, any plan regarding the closure, conversion, rede-

velopment or future use of Pease Air Force Base without the prior approval of the commission.

II. Notwithstanding any other provision of law, the commission may:

(a) Accept federal funds under Public Law 100-526, the Base Closure and Realignment Act of 1988, or any other provision of federal law, relative to the development of a plan for the closure, conversion, redevelopment, or future use of Pease Air Force Base.

(b) Request such federal funds on behalf of the state or its political subdivisions, or any agency or governmental unit thereof.

III. Notwithstanding any provision of law, neither the state nor its political subdivisions, nor any agency or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants or other assistance from the Office of Economic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the commission. Neither the state nor its political subdivisions, nor any agency or governmental unit thereof, shall apply for or receive any funds, grants or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the commission. The provisions of this paragraph shall not apply to the adjutant general.

IV. Notwithstanding any other provision of law, public employees and officials, both elected or appointed, of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this act, as commission members or members of any committee or subcommittee of the commission. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the commission for such incidental expenses determined by the commission to be necessary and incurred while performing commission business.

7 Report. The commission shall make its first report no later than October 1, 1989, and annually thereafter or more frequently as deemed necessary by the commission, to the appointing authorities. The initial report shall include a progress report of the commission's work and any proposals for legislation deemed necessary by the commission.

8 Construction and Effect of Other Laws.

I. All actions and proceedings of the commission shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the commission may be made or let without regard to any provision of law relating to public purchases or contracts.

III. The provisions of this act shall be liberally construed in order to effect its purpose.

IV. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

9 Termination. The authority of the commission to carry out any duties under this chapter shall terminate, and the commission shall be dissolved, on October 1, 1995, unless extended by act of the general court.

10 Repeal. 1975, 351, relative to the closing of Pease Air Force Base, is repealed.

11 Appropriation. The sum of \$150,000 for the fiscal year ending June 30, 1989, and the sum of \$200,000 for the biennium ending June 30, 1991, are appropriated to the commission for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a commission, to be known as the Pease Air Force Base Redevelopment Commission, to monitor and study the proposed closing of Pease Air Force Base. The bill requires the commission to submit reports annually to the appropriate appointing authorities with the initial report due no later than October 1, 1989, including any proposals for legislation for the 1990 legislative session.

The bill makes appropriations for fiscal year 1989 and for the following biennium for its purposes.

Rep. Palumbo spoke in favor of the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

Rep. Phelps moved that **HB 750** be read a third time and passed.

Adopted.

Third reading and final passage

HB 750-FN, establishing a redevelopment commission relative to Pease Air Force Base and making an appropriation therefor.

(Rep. Palumbo in the Chair)

Rep. Burns moved the adoption of HCR 7, to adopt joint rules for the 1989 session.

Resolved by the House of Representatives, the Senate concurring:

That the General Court adopt as the joint rules for 1989 the joint rules as adopted for 1987 with the following amendments:

Amend Joint Rule 4-A as follows:

4-A. There shall be no limitation on the type of legislation introduced in the first- or second-year session, except:

(a) No bill the subject matter of which has been indefinitely postponed or made inexpedient to legislate in either body in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) No bill, joint or concurrent resolution, shall be introduced into either body for the second-year session unless the sponsor of such bill, joint or concurrent resolution, files the legislation by title on or after May 11, 1989; provides complete information as to details to the Office of Legislative Services by 5:00 p.m., October 2, 1989, and the bill is fully prepared by said office for introduction prior to 5:00 p.m., November 20, 1989, except with the approval of three-fifths of the Rules Committees of both bodies voting separately or by a vote of two-thirds of both bodies voting separately.

Further amend the Joint Rules of 1987 by amending Joint Rule 6 (f) as follows:

(f) Final action on any bill or resolution so re-referred by either body shall be taken in that body on or before February 1, 1990.

Further amend the Joint Rules of 1987 by amending Rule 10 as follows:

10. The schedule for the second-year session shall be the timetable adopted by both bodies following the procedure outlined in Joint Rule 1(b) and this schedule shall constitute Joint Rule 10 for the second-year session. In the first-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those bills referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the second Tuesday in April (April 11)

(2) On those containing appropriations (including the so-called Budget Bill and Capital Budget Bill), no later than the second Thursday of April in 1989. (April 13)

(3) On all others, no later than the fourth Thursday in March. (March 23)

(b) In the non-originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the first Thursday in May (May 4).

(2) On those containing appropriations including the so-called Budget Bill and Capital Budget, no later than the second Tuesday in May (May 9).

(3) On all other bills, no later than the second Thursday in May (May 11).

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to committees of conference further action may be taken subsequent to the above dates by the House and Senate.

(4) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and Request a Committee of Conference.

(c) Both bodies shall take final action on all Committee of Conference reports except the Operating and Capital Budgets by the fourth Tuesday of May in 1989 (May 23). Both bodies shall take final action on the Operating and Capital Budget bills by the fourth Thursday of May in 1989 (May 25).

(1) Reports of Committees of Conference shall be filed with the clerks of both bodies no later than 3:00 p.m. on the third Friday in May (May 19).

The report on the Committee of Conference on the Budget Bill and the Capital Budget Bill shall be available on the fourth Monday of May. (May 22).

(2) The report of the committee of conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

(d) All bills shall be submitted to the Governor for his signature no later than the fifth Monday in May of 1989 (May 29).

The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

A supplemental budget for the second-year session must be introduced no later than the second Tuesday of January in 1990 (January 9). When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

Further amend the Joint Rules of 1987 by amending Rule 12 as follows:

12. No bill, joint resolution, concurrent resolution or concurrent resolution amending the constitution shall be introduced in either body after the second Thursday in February (February 9).

12.(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of the Rules Committee in either body.

Deadline dates for the second-year session shall be established by the Joint Rules Committee under Joint Rule 1(b).

(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of both Rules Committees, voting separately. Any such legislation approved by the Rules Committees of both bodies shall be exempt from the deadlines established by joint rules except that final action on any such bill, including action on any reports of committees of conference, shall be taken no later than the fourth Tuesday of May in 1989 (May 23), and any such bill shall be sent to the Governor for his signature no later than the fifth Monday of May in 1989 (May 29).

Further amend the Joint Rules of 1987 by amending Rule 17 as follows:

17. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to ***, " and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows:" Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed. Adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be enrolled in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

Further amend the Joint Rules of 1987 by amending Rule 18 as follows:

8. All hearings on a concurrent resolution proposing a constitutional amendment may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee, not by the committees jointly, and passage in final form shall be completed by both bodies not later than May 11, 1989 of the calendar year in which the resolution was introduced. After said date no further action may be taken by either body on the resolution provided that if the opinion of the attorney general or an advisory opinion from the

supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each body taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

Further amend the Joint Rules of 1987 by amending Rule 19 as follows:

19. Any bill making an appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the so-called Budget Bill) or a bill making general appropriations for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than the third Thursday in March (March 16).

Further amend the Joint Rules of 1987 by amending Rule 24 (b) as follows:

(b) Second-Year Session. Consideration of all legislation introduced on or before July 1 of the second-year session shall be terminated at midnight on July 1 of the second-year session and any bill not passed by both bodies by this date and time shall be indefinitely postponed for the purposes of the 1989-1990 regular session of the General Court. If after July 1 of the second-year session the two bodies of the General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1 of second-year session. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies, voting separately. Any new legislation so introduced shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

Further amend the Joint Rules of 1987 by deleting all language after Rule 24(b).

Rep. Greene offered a floor amendment and spoke to her amendment.

Amend HCR 7, by amending Joint rule 4-A(b) as follows:

No bill, joint or concurrent resolution, shall be introduced into either body for the second-year session unless the subject matter of such bill, joint or concurrent resolution, shall be approved by 3/5 of the joint rules committee of both bodies voting separately or by a vote of two-thirds of both bodies voting separately. No such filing may be made until after May 11, 1989.

The budget adjustment bill will not be subject to this rule.

Reps. Burns and Chambers spoke against the floor amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 73

NAYS 252

**YEAS 73
BELKNAP**

Hardy, Earle D.

Holbrook, Robert G.

Locke, Matthew J.

CARROLL

Allard, Nanci A.
Olimpio, J. Lisbeth

Chandler, Gene G.

Dickinson, Howard C., Jr.

CHESHIRE

Cole, Stacey W.
Sawyer, Alfred P.

Delano, Robert F.

Perry, David M.

COOS

Buckley, C. Fitzgerald, III

Merrill, Gerald P.

GRAFTON

Driscoll, William J.
Whitcomb, Henry F., Jr.

Teschner, Douglass P.

Townsend, Howard C.

HILLSBOROUGH

Alukonis, David J.
Bicknell, Robert C.
Genest, Fernand A.
Hatch, William H.
Johnson, Lionel W.
Lachut, Ervin R.
Robinson, Ellen-Ann
Stiles, Walter A.

Amidon, Eleanor H.
Desrosiers, William J.
Hall, Betty B.
Jasper, Shawn N.
Keefe, Edmund M.
Murphy, Robert E.
Rodgers, G. Philip
Turgeon, Roland M.

Beaupre, Roland O.
Foote, Herbert N., Sr.
Harlan, Susan N.
Jean, Romeo W.
Klose, John F.
Record, Alice B.
Smith, Leonard A.
Wheeler, David K.

MERRIMACK

Barberia, Richard A.
Stio, Peter M.

Lewis, Mary Ann
Teague, Bert

Millard, Elizabeth S.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Conroy, Janet M.
Flanders, John W., Sr.
Remick, Barbara R.
Sherburne, John L.
Wells, Henry E.

Blanchard, MaryAnn N.
Drake, Herbert R.
Gage, Thomas U.
Roulston, Donald L.
Tufts, J. Arthur
Wright, David B.

Campbell, Marilyn R.
Flanders, Harry E.
Greene, Elizabeth A.
Seward, Russell G.
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Stewart, Glenn W.

Martling, W. Kent
Torr, Ralph W.

Parks, Joe B.

SULLIVAN

Domini, Irene C.
Schotanus, Merle W.

Middleton, John A.

Rodeschin, Beverly T.

NAYS 252**BELKNAP**

Ballou, Richard A.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Golden, Paul A.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Chase, Russell C.
MacDonald, Kenneth J.

Dodge, Arthur G., Jr.
Saunders, Howard N.

Foster, Robert W.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Kenneth A.

Barber, Robert E., Jr.
Crutchley, Donald O.

Blacketor, Paul G.
Gordon, Irvin H.

Grodin, Richard A.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

Hill, Douglas E.
Laurent, John J.
Morse, JoAnn T.
Spear, Susan S.

Hunt, John B.
Matson, William R.
Pearson, Gertrude B.
Young, David A.

COOS

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Guay, Lawrence J.
Lemire, George
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.
Larson, Nils H., Jr.
Rose, William B.
Wadsworth, Karen O.

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David O.
Hill, Richard L.
Markley, J. Keith
Scanlan, David M.
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Eno, Larry E.
LaMott, Paul I.
Nordgren, Sharon L.
Stewart, Roger
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Bourque, Ann J.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dykstra, Leona
Fields, Dennis H.
Goulet, Maurice E.
Guilbert, Lionel
Holden, Carol H.
Jenkins, Mary
Kress, Gloria W.
Long, Linda D.
Mason, Howard F.
McRae, Karen
Morrissette, Roland A.
Ouellette, Robert O.
Pepino, Leo P.
Prestipino, Bartolo V.
Rheault, Lillian I.
Soucy, Lillian E.
Upton, Barbara A.

Barry, Vivian
Bowers, Dorothy C.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Eaton, Clyde S.
Frank, Nancy G.
Green, Scott E.
Gureckis, Adam C., Sr.
Hultgren, David D.
Kelley, Robert N.
Kurk, Neal M.
Lown, Elizabeth D.
McCann, Bonnie Lou
Messier, Irene M.
Nardi, Theodora P.
Packard, Bonnie B.
Perham, Lester R.
Provost, Gilles R.
Sallada, Roland A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Biondi, Christine A.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Gagnon, Gabrielle V.
Grip, Robert H.
Healy, Daniel J.
Hunter, Bruce F.
King, John A.
Lefebvre, Roland J.
Lozeau, Donnalee M.
McDowell, James E.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pappas, Toni
Pignatelli, Debora B.
Reidy, Frank J.
Searles, Stanley N., Sr.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.

Apple, Lowell D.
Carter, Susan D.
Fair, Patricia A.
Gilbreth, Robert M.
Hill, Michael
Johnson, C. William
Nichols, Avis B.

Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Kidder, William F.
Pantzer, Eugene E.

Phelps, James D.
Smith, Gerald R.
West, George M.

Provencal, Leo A.
Soldati, Jennifer

Shaw, Randall F.
Wallner, Mary Jane

ROCKINGHAM

Benton, Richardson D.
Buco, Stephen W.
Cooke, Annette M.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Hollingworth, Beverly A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Magoon, Harold F.
McCarthy, John J., Jr.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Rosencrantz, James R.
Skinner, Patricia M.
Sytek, Donna P.
Weddle, Michael R.

Boucher, William P.
Campbell, Eunice M.
Dube, LeRoy S.
Flanagan, Natalie S.
Gage, Beverly A.
Hoar, John, Jr.
Johnson, Robert A.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Pantelakos, Laura C.
Raynowska, Bernard J.
Schmidtchen, Rowland
Splaine, John E., Sr.
Vartanian, Elsie
Welch, David A.

Brown, Lewis W.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Kane, Cecelia D.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
McCain, William F.
McKinney, Betsy
Parr, Ednapearl F.
Ritzo, Eugene
Senter, Marilyn P.
Stachowske, Vicki
Vaughn, Charles L.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Flynn, Edward J.
Gilmore, Gary R.
Marston, Robert E.
Pelley, Janet R.
Sullivan, Henry P.
Vincent, Francis C.
Young, John B.

Bickford, Drucilla
Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra B.
Merrill, Amanda A.
Scharff, Thomas E.
Torr, Ann M.
Wall, Janet G.

Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
O'Brien, John
Spencer, Leo J.
Tsiros, William
Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
Harland, Jane A.
Lucier, Edward A., Jr.
Stamatakis, Carol M.

Burling, Peter Hoe
Hinrichsen, Keith L.
MacAskill, Kenneth M.

Flint, Gordon B.
Krueger, Richard H.
Peyron, Fredrik

and the amendment lost.
Ordered to third reading.

The Chair requested a division to obtain a Sense of the House on the question of continuing the Legislative Session of March 9, 1989 at this point in spite of the lateness of the hour.

190 members having voted in the affirmative and 130 in the negative, the Sense of the House was to complete the day's business.

The House proceeded to consider bills removed from the Consent Calendar.

HB 651-FN, relative to adoption fees and information about birth parents. Ought to Pass with Amendment.

House Bill 651 would require that persons adopting a non-related child must file information with the court listing the amount of fees or other charges involved with the adoption procedure. The bill also calls for filing information on the medical and personal backgrounds of the birth parents. Vote 14-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 170-B:15, III-a and III-b as inserted by section 1 of the bill by replacing them with the following:

III-a. Before a final decree of adoption is issued in the adoption of a child not related, as provided under RSA 170-B:2, XI, to the petitioner or one of the petitioners, the petitioners shall file with the court on forms supplied by the division for children and youth services an affidavit listing the amount of fees or other charges, whether in the form of cash, gifts, or other thing of value, paid to, or on behalf of, birthparents, physicians, attorneys, or any other person in connection with the adoption, including but not limited to fees for medical, legal or investigatory services conducted pursuant to RSA 170-B:14, or board and care for mother or child.

III-b. Before a final decree of adoption is issued in the adoption of a child not related, as provided under RSA 170-B:2, XI, to the petitioner or one of the petitioners, the attorney for the petitioners, or the petitioners if they are not represented by an attorney, shall file with the court information on the medical and personal backgrounds of the birthparents and the child. Such personal information shall include but not be limited to ethnic, religious and socio-economic background and age of the birthparents. The information shall be filed on a form approved of by the court, and shall include information that is reasonably available to the attorney or petitioners.

AMENDED ANALYSIS

This bill requires that certain persons seeking to adopt must file information with the court listing the amount of fees or other charges involved with the adoption procedure and information on the medical and personal backgrounds of the birthparents and the child. The register of probate is required by the bill to supply monthly summaries of the fee information to the division for children and youth services, department of health and human services.

Amendment adopted.

Rep. Hunt moved that HB 651 be recommitted to the Committee on Children, Youth and Juvenile Justice and spoke to his motion.

Rep. Wallner spoke against the motion.

Motion lost.

Ordered to third reading.

HB 425-FN-A, revising the school building aid system. Re-refer to Committee.

The Committee unanimously supports the motion of re-referral. It believes that this bill is deserving of further study with an amendment that changes the real estate transfer tax to fund the bill. The Committee would like extra time to look into this complex issue. Three of the co-sponsors of the bill are on the Education Committee and are in total support of re-referral. Vote 17-0. Rep. Dennis R. Bolduc for Education.

Rep. Skinner yielded to questions.

Re-referred to the Committee.

HB 653-FN, regarding credit on solid waste disposal delivery contracts. Inexpedient to Legislate.

This bill may cause problems with contracts already in place. New contracts for disposal of solid waste already allow districts and/or cities to negotiate the types and amount of recyclable materials in their tonnage requirements. Vote 19-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

Resolution adopted.

HB 189-FN, increasing the minimum wage law. Ought to Pass with Amendment.

This bill, as amended, would increase the state minimum wage by ten cents (.10) an hour for the next three years. Vote 13-0. Rep. Larry G. Elliott for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by replacing section 1 with the following:

1 Increase of Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm or corporation shall employ any employee at an hourly rate lower than the following:

Date	Hourly Rate
January 1, 1987, to December 31, 1987	\$3.45
January 1, 1988, to December 31, 1988	\$3.55
[On and after] January 1, 1989, <i>to December 31, 1989</i>	\$3.65
<i>January 1, 1990, to December 31, 1990</i>	\$3.75
<i>January 1, 1991, to December 31, 1991</i>	\$3.85
<i>On and after January 1, 1992</i>	\$3.95

The foregoing limitation shall in no way affect existing state coverage as defined herein. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than \$20 a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 percent of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this paragraph, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. The limitations imposed hereby shall be subject to the following exceptions:

Amend the bill by inserting after section 1 the following and renumbering the original section 2 and 3 to read 4, 5, respectively:

2 Per Diem Allowances. Amend RSA 279:21-a to read as follows:

279:21-a Deductions to Determine Wages. For the purposes of employment in the hotel, motel, cabin, tourist home and restaurant industries, an employer shall be entitled to deduct from the minimum wage *pursuant to RSA 279:21* allowances for meals and lodging. The maximum amounts of such deductions shall be as follows:

I. Full Board and Room (Weekly)	[\$30.00] \$45.00
Full Board and Room (Daily)	[4.30] 6.45
II. Meals (Weekly)	[26.25] 39.45
Meals (Per Meal)	[1.25] 1.88
III. Lodging (Weekly)	[7.25] 10.88
Lodging (Daily)	[1.20] 1.80

3 Applicability; Contingent Repeal. In the event federal minimum wage levels are increased and exceed the state levels under RSA 279:21, RSA 279 shall be deemed repealed. If such federal wage levels are so increased, the labor commissioner shall certify to the secretary of state the date on which RSA 279 shall be deemed repealed.

AMENDED ANALYSIS

This bill increases the minimum hourly rate to \$3.75 beginning on January 1, 1990, to \$3.85 beginning on January 1, 1991, and to \$3.95 beginning on January 1, 1992.

Current law provides that the minimum hourly rate shall be \$3.65 on and after January 1, 1989.

This bill also repeals the provision exempting nursing homes from the minimum wage law.

The bill declares that if federal minimum wage levels exceed state minimum wage levels in the future, the state minimum wage law is deemed repealed.

This bill increases by 50 percent the allowance which an employer is entitled to deduct from minimum wage for meals and lodging.

Amendment adopted.

Ordered to third reading.

HB 280-FN, relative to the liability of co-employees in workers' compensation. Re-refer to Committee.

Under an agreement, as outlined in the recommendation from the Workers' Compensation Advisory Council, which assumes no additional workers' compensation legislation involving cost to the employee or employer will be considered this session for support of HB 681, the Committee voted to re-refer this bill. Vote 14-0. Rep. Ronald P. Sage, Jr. for Labor, Industrial and Rehabilitative Services.

Re-referred to Committee.

HB 171-FN, relative to fees at certain state park beaches. Re-refer to Committee.

The question of fees charged at New Hampshire ocean beach state parks has been a continuing problem. Following passage of RSA 216-A:3-g in 1985, which allowed the Division of Parks and Recreation to establish access fees at state parks, under RSA 541-A, the fees at Hampton Beach State Park and Wallis Sands State Park were changed from \$4 per car to \$2 per person. This appears to have resulted in confusion and possible inequities concerning the access and use of these facilities. The Committee unanimously agreed that a study of the situation was needed, particularly at Wallis Sands during July and August this summer. The Committee's position is particularly significant in light of the fact that a new Commissioner of the Department of Resources and Economic Development will be appointed shortly. Vote 15-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Rep. Ritzo moved that the words Ought to Pass be substituted for the Committee report, Re-refer to Committee and spoke to his motion.

Reps. Dickinson, Greene, Drake and Stacey Cole spoke against the motion.

Reps. Vaughn, Lawrence Chase and John McCarthy spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 96**NAYS 207**

YEAS 96
BELKNAP

Ballou, Richard A.
Pearson, Ralph W.
Ziegra, Alice S.

Golden, Paul A.
Rice, Thomas E. P., Jr.

Locke, Matthew J.
Turner, Robert H.

CHESHIRE

Barber, Robert E., Jr.
Pearson, Gertrude B.

Cole, Kenneth A.

Crutchley, Donald O.

COOS

Dumont, Robert E.

Kilbride, Dennis J.

Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Nordgren, Sharon L.

Bennett, Shirley M.
Rose, William B.

Copenhaver, Marion L.
Stewart, Roger

HILLSBOROUGH

Beaupre, Roland O.
Cox, Gladys M.
Drabinowicz, A. Theresa
Elliott, Larry G.
Green, Scott E.
Long, Linda D.
McRae, Karen
Pappas, Toni
Robinson, Ellen-Ann
Turgeon, Roland M.

Biondi, Christine A.
Desrochers, Gerard T.
Dube, Ellen C.
Frank, Nancy G.
Hunter, Bruce F.
Lozeau, Donnalee M.
Moore, Elizabeth A.
Pignatelli, Debora B.
Rodgers, G. Philip
Vanderlosk, Stanley R.

Bourque, Ann J.
Domaingue, Jacquelyn M.
Eaton, Clyde S.
Gagnon, Gabrielle V.
Lachut, Ervin R.
McDowell, James E.
Nardi, Theodora P.
Record, Alice B.
Smith, Leonard A.

MERRIMACK

Anderson, Eleanor M.
Hill, Michael

Barberia, Richard A.
Smith, Gerald R.

Beaton, Nancy C.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Chase, Lawrence A., Jr.
Gourdeau, Raymond H.
Kane, Cecelia D.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Parr, Ednapearl F.
Schmidtchen, Rowland
Warburton, Calvin
Wright, David B.

Benton, Richardson D.
Dube, LeRoy S.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
McCain, William F.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Senter, Marilyn P.
Weddle, Michael R.

Brown, Lewis W.
Gage, Thomas U.
Hollingworth, Beverly A.
Lovejoy, Virginia K.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Rosencrantz, James R.
Vaughn, Charles L.
Welch, David A.

STRAFFORD

Appleby, James E.
O'Brien, John
Sullivan, Henry P.

Burton, Wayne M.
Pelley, Janet R.

Gilmore, Gary R.
Scharff, Thomas E.

SULLIVAN

Brodeur, Robert J.
Harland, Jane A.

Burling, Peter Hoe
Lucier, Edward A., Jr.

Domini, Irene C.
Stamatakis, Carol M.

NAYS 207 BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rosen, Ralph J.

Hardy, Earle D.
Randall, Kenneth A.
Vogler, Charles C.

Hawkins, Robert S.
Richardson, Lawrence
White, James J.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Chase, Russell C.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Hill, Douglas E.
Laurent, John J.
Morse, JoAnn T.
Spear, Susan S.

Cole, Stacey W.
Hunt, John B.
Matson, William R.
Perry, David M.
Young, David A.

Delano, Robert F.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
Lemire, George
Merrill, Gerald P.

Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Horton, Lynn C.
Mayhew, Josephine
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Dow, David O.
Guest, Robert H.
Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Driscoll, William J.
Hill, Richard L.
Markley, J. Keith
Townsend, Howard C.
Weymouth, Philip H.

Chambers, Mary P.
Eno, Larry E.
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Dodge, Emma M.
Foote, Herbert N., Sr.
Grip, Robert H.
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
King, John A.
Lefebvre, Roland J.
McCann, Bonnie Lou
Murphy, Robert E.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Wheeler, David K.

Alukonis, David J.
Bicknell, Robert C.
Daigle, Robert A.
Drolet, Paul L., Jr.
Genest, Fernand A.
Guilbert, Lionel
Hatch, William H.
Jasper, Shawn N.
Keefe, Edmund M.
Klose, John F.
Lown, Elizabeth D.
Messier, Irene M.
O'Rourke, JoAnne A.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Soucy, Lillian E.
Tyree, Paul M.
Wright, George W.

Baldizar, Barbara J.
Bowers, Dorothy C.
Desrosiers, William J.
Fields, Dennis H.
Goulet, Maurice E.
Hall, Betty B.
Holden, Carol H.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Mason, Howard F.
Morrissette, Roland A.
Ouellette, Robert O.
Perham, Lester R.
Reidy, Frank J.
Sallada, Roland A.
Stiles, Walter A.
Upton, Barbara A.

MERRIMACK

Boucher, Laurent J.	Carter, Susan D.	Daneault, Gabriel
Dunn, Miriam D.	Fair, Patricia A.	Fillion, Paul R.
Fraser, Leo W., Jr.	Gilbreth, Robert M.	Hager, Elizabeth
Hall, Douglas E.	Holmes, Mary C.	Jacobson, Alf E.
Johnson, C. William	Kidder, William F.	Lewis, Mary Ann
Lockwood, Robert A.	Millard, Elizabeth S.	Nichols, Avis B.
Phelps, James D.	Provencal, Leo A.	Shaw, Randall F.
Stio, Peter M.	Teague, Bert	Trombly, Rick A.
West, George M.		

ROCKINGHAM

Blanchard, MaryAnn N.	Boucher, William P.	Buco, Stephen W.
Campbell, Marilyn R.	Conroy, Janet M.	Cooke, Annette M.
Drake, Herbert R.	Felch, Charles H., Sr.	Fesh, Robert M.
Flanagan, Natalie S.	Flanders, Harry E.	Flanders, John W., Sr.
Ford, Bert H.	Forsythe, Douglas G.	Greene, Elizabeth A.
Haynes, Richard L.	Hoar, John, Jr.	Johnson, Robert A.
Katsakiores, George N.	Katsakiores, Phyllis M.	King, Roger C.
Klemm, Arthur P., Jr.	MacDonald, Maurice B.	Mace, Ada L.
Magoon, Harold F.	McKinney, Betsy	Popov, Elizabeth M.
Remick, Barbara R.	Roulston, Donald L.	Seward, Russell G.
Sherburne, John L.	Skinner, Patricia M.	Splaine, John E., Sr.
Stachowske, Vicki	Sytek, Donna P.	Tufts, J. Arthur
Vartanian, Elsie	Wells, Henry E.	

STRAFFORD

Bernard, Mary E.	Dionne, Albert J.	Flynn, Anita A.
Flynn, Edward J.	Foss, Patricia H.	Frechette, Roland A.
Keans, Sandra B.	Kinney, Paula J.	Marston, Robert E.
Martling, W. Kent	Merrill, Amanda A.	Parks, Joe B.
Spencer, Leo J.	Stewart, Glenn W.	Torr, Ralph W.
Tsiros, William	Vincent, Francis C.	Wall, Janet G.
Wheeler, Katherine Wells	Young, John B.	

SULLIVAN

Flint, Gordon B.	Hinrichsen, Keith L.	Krueger, Richard H.
MacAskill, Kenneth M.	Middleton, John A.	Peyron, Fredrik
Rodeschin, Beverly T.	Schotanus, Merle W.	

and the motion lost.

Re-referred to the Committee on Resources, Recreation and Development.

EXTENSIONS

The Committee on Judiciary requested a three legislative day extension on the following bills:

HB 319-FN, relative to video taping depositions of the elderly.

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions.

HB 388-FN, establishing a study committee to examine the current state laws on bails and recognizances.

Granted.

Rep. Phelps offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, March 16 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 285-FN, relative to liens on real property for hazardous waste cleanup costs.

HB 458, granting degree-granting authority to the Thomas More Institute of Liberal Arts.

HB 212, relative to the board of chiropractors.

HB 511, relative to medical records.

HB 611-FN, relative to service dogs.

HB 632, relative to the confidentiality of quality assurance records of community mental health centers.

HB 584-FN, relative to bad checks.

HB 163, concerning certain labor laws.

HB 441-FN-A, relative to bingo games conducted by charitable organizations.

HB 81-FN, relative to dam permitting authority.

HB 150-FN, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws.

HB 176-FN, requiring certificates of title for vehicles owned by the state and political subdivisions.

HB 460-FN, relative to notice that tax payments may be due under the interest and dividends tax.

HB 260-FN, relative to distribution of catastrophic aid.

HB 332-FN-A, relative to the collection and reclamation of motor vehicle wastes.

HB 258-FN, increasing the cap on the revolving drug forfeiture fund.

HB 681-FN, relative to workers' compensation.

HB 64-FN, relative to immunizing cats against rabies and licensing cats.

HB 132-FN, relative to the division of water supply and pollution control enforcement orders.

HB 223-FN, relative to investment of state funds in corporations doing business in Northern Ireland.

HB 51, relative to a vehicle width on certain highways.

HCR 7, to adopt joint rules for the 1989 session.

HB 651-FN, relative to adoption fees and information about birthparents.

HB 189-FN, increasing the minimum wage law.

Rep. Palumbo moved that the House stand in recess.

Adopted.

RECESS

(Rep. Schotanus in the Chair)

Rep. Pierce offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 200, 777 and 764 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990 and June 30, 1991. (Kidder of Merrimack Dist. 2 - To Appropriations)

HB 777-A, an act appropriating funds for additional basic needs for the fiscal years ending June 30, 1990 and June 30, 1991. (Kidder of Merrimack Dist. 2 - To Appropriations)

HB 764-FN-A, relative to state revenues and appropriations. (Kidder of Merrimack Dist. 2 - To Appropriations)

Rep. Hawkins moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 13

Thursday, March 16, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Holy God, from whom we receive all gifts, be present with us in our struggles and debates. Again today we confront the power of deeply held convictions, as we come to persuade others to see the world our way, even though we know that we will not agree.

Many here today have mixed and confused feelings, as they weigh and consider, and make a decision. Others are firmly entrenched. Whatever we believe, however deeply we believe it, we ask you to plant in our hearts the possibility that we yet may be wrong.

Holy One, we acknowledge to you our pain when some of the choices before us place our most deeply held values in conflict. At least we all can acknowledge to you our love for life. Help us to cherish it. We acknowledge to you our love of freedom, help us to preserve it. Amen.

Rep. Keefe led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Avery, Manus, Ann Derosier, Provencal and Daniel Eaton, the day, illness.

Reps. Lionel Boucher, Parsons, Channing Brown, MacKinnon, Buco, Fraser, A. Gibb Dodge, Beverly Gage and Burkush, the day, important business.

Rep. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Donald Taylor of Grantham, guest of Rep. Schotanus; Cynthia Clifford and Peter Frankin, guests of Reps. Flint, Peyron and Rodeschin; David Roake, member of the Londonderry School Board, guest of the Londonderry delegation; Julie Foss, Gary Daniels and David Dieter, guests of Rep. David Wheeler; Suzanne Foote, daughter-in-law, and Timothy Foote, grandson of Rep. Foote; Marjorie Daly, wife of Rep. Daly; 19 registered professional nurses of the New Hampshire State Nurses Association with their lobbyist, Laurie Harding, guests of Reps. Pratt and Katherine Foster; the fifth grade class from the Kearsarge Regional Elementary School of Bradford, their teachers and chaperones, and Ellen Hersh, member of the Kearsarge Regional School Board, guests of Reps. Beaton and Braiterman; Helen Holbrook, guest of Rep. Holbrook; Phyllis Raynowska and Lida Ann Beaudoin, wife and daughter of Rep. Raynowska; Sarah and Matthew Chapman of New Boston, guests of Rep. Salada; Sandra Lee Ellis and Dr. James Carnrite, guests of Rep. Hoelzel; members of the New Hampshire School Boards Association, guests of the Education Committee; Janice Balke, Vice Chairman of the New Hampshire School Boards Association, guest of Reps. Klemm, Mace and Skinner; 22 students from grades 7 through 12, and Paul Edgar, Administrator of the Tri-City Christian Academy of Somersworth, guests of Rep. Frechette; Kurt Schoenen, member of the West German Parliament, Ellen Schoenen, and Adam Pignatelli, guests of Rep. Pignatelli.

RESIGNATION

Dear Mr. Speaker,

Earlier today, Governor Gregg swore me in as the Special Justice for the Pelham Municipal Court. To meet the constitutional mandate for judicial impartiality and to preserve the sanctity of separation of powers among the branches of government, I hereby resign my seat in the General Court, Hillsborough-20, Pelham.

I have enjoyed serving the state legislatively and look forward to fulfilling my judicial duties.

Your office has always been instructive and helpful. For this I am grateful.

Thank you.

Very truly yours,

Michael E. Jones

REQUEST FOR JOINT CONVENTION

Reps. Palumbo and Chambers offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives is ready to meet the Honorable Senate in Joint Convention, for the purpose of attending to an address by Chief Justice David Brock on the state of the judiciary.

Adopted.

JOINT CONVENTION

(Speaker presiding)

The Chief Justice addressed the Joint Convention on the state of the Judiciary.

President Bartlett, Speaker Scamman, distinguished members of the General Court and friends, I am pleased to have this opportunity to report to you on the work of the State of New Hampshire's Judicial System, for many positive things have happened since I last addressed you in April of 1987.

Since then, the State's 67 courts, 42 full-time and 91 part-time judges, and 448 non-judicial employees have worked tirelessly to meet the demands of heavy caseloads and to carry out their administrative and clerical responsibilities in a professional manner. While much has been accomplished, much more must be undertaken if the Judicial Branch is to continue to fulfill its constitutional and statutory responsibilities to provide our citizens and their governments access to the courts for the fair, timely and economical resolution of criminal cases and civil disputes.

Part I, article 37 of our State Constitution instructs us that the legislative, executive and judicial branches should remain as separate from, and independent of, each other as the survival of our commitment to a free constitutional government will permit. It is expected that each branch will on occasion assert or act to protect what it perceives to be its independence, but we must never overlook what our Constitution describes as "... that chain of connection that binds the whole fabric of the Constitution in one indissoluble bond of union and amity" — or, put another way, our interdependence. That we have a strong and free government is the result of each branch's independence and interdependence. In the end, for our government to work and to serve the people well all three branches must cooperate, and today we extend our hands in the spirit of cooperation. If there is a theme to be discerned in my remarks today that is what I hope it is.

I would like to discuss with you the role of the Judicial Branch and its accomplishments. I also want to discuss its present and its future, particularly in light of the State's current financial difficulties.

During 1988, more than 412,500 cases were filed and more than 364,500 cases were disposed of in our probate, district, superior and supreme courts. The cases were as varied in scope and complexity as the full range of human endeavor and behavior giving rise to them.

The caseload of our courts is presently increasing at the rate of four to five percent annually. The dramatic growth in caseload can be illustrated by reference to the past ten years. Case entries have increased by 81%. 184,496 more cases were filed this year than in 1977.

Statistics alone do not tell the impact that the caseload explosion has on the court system. Murder trials, class actions, products liability, toxic waste, juvenile and divorce cases involving child custody disputes and the division of property are counted as a single case entry. Frequently, the disposition of just one such case requires weeks of a judge's time, to say nothing of the court's administrative and clerical resources that must be allocated to the case.

This problem is not unique to New Hampshire, but it is exacerbated by our State's unprecedented economic expansion and population growth and, as I mentioned two years ago, by the fact that relationships between the individual citizen and government, as well as the relationships between individual citizens and their neighbors have become more sophisticated and complex, leading society to seek resolution of more and more of its problems in the courts.

Another factor to be considered here in New Hampshire is the fact that the General Court, through the years, has passed 52 statutes requiring our superior and district courts to give trial priority to certain kinds of cases and to hold hearings on some matters within a period of days.

I am not suggesting that such statutory mandates are inappropriate, but only that they result in a loss of scheduling flexibility and causes the removal of non-priority cases from the trial and hearing lists. It would be helpful if, in the future, full consideration could be given to the impact that such legislation will have on our courts prior to its adoption.

What is the point I would leave with you? Only that the Judicial Branch does not control the constitutional and statutory requirements by which it must operate, any more than it can control the public and governmental demand for its services.

Since our point of reference is the Judicial Branch generally, consider that the average number of cases disposed of by each of our part-time and full-time judges, discounting motor vehicle cases, is 1,033 per year. Can we reasonably look to our dedicated clerks and their clerical staffs to meet the rising tide of litigation? I am as certain that we now need more clerical personnel as I am that tomorrow is St. Patrick's Day.

The courts are facing long term problems. If they are to be averted, a joint effort of the three branches and the informed assistance of the Legislature and Executive is required.

As a first step, however, the Judicial Branch must take stock of its own responsibilities and propose realistic solutions which take into account the State's limited financial resources.

To this end, the Supreme Court has, as we announced we would two years ago, established a long range planning task force, enlisting more than 70 users of the court system and leaders from both the public and private sectors to serve as members. The task force charge is to examine all aspects of the judicial system and to recommend means to improve the efficiency and effectiveness of court operations.

Five subcommittees have been formed, each of which will deal with a specific area of concern: intergovernmental relations; the jurisdiction of the various courts; case scheduling in the superior court; methods of alternative dispute resolution; and technology in the courts. The task force has been at work since October and is expected to submit its final report in early 1990. It is our hope that the Task Force will provide guidance to the Judicial Branch as to how we can efficiently serve the public, well into the 21st Century, and that its report will include recommendations for statutory changes that we will ultimately present to the General Court for its consideration. We take pride in the fact that we are only the second court in the Nation that has undertaken such a study.

By the way, the Supreme Court has recently undertaken another important initiative. In response to a request from Governor Gregg, the Court has initiated a review of the Judicial Branch's fee and uniform fine schedules. While it is premature to speculate on the results of this review, we have reason to believe that the annual revenues of the branch — currently about 21 million dollars — can be increased. I have directed our Administrative Office to have the information upon which the Supreme Court can base its decision available in early April. We anticipate that the Legislature will be able to reevaluate its revenue projections for the Judicial Branch as it completes its deliberations on the budget.

I have referred to our long range concerns but I would also like to discuss our more immediate needs.

Our original budget submission, presented to the Legislature in October, represented our collective judgment of what was needed not only to maintain, but to improve upon, the quality of services we provide the public. However, in an effort to respond constructively to the State's current fiscal projections, when we formally presented our budget to House Appropriations on February 22nd and to Senate Finance just yesterday, we reduced our original request by more than one million dollars for each year of the biennium. We will continue to respond constructively and cooperatively with you in facing the State's fiscal problems.

For the next biennium, there are three areas where we seek your support. They are: Court Security; Additional Clerical Personnel; Automation or Computerization and the Management of Court Facilities.

Court security is an urgent priority. Although the Court Security Commission, four years ago, recommended strongly that bailiffs should be present at all court proceedings, most of our district courts still have none. All too frequently, hearings in criminal cases and trials of cases in which emotions run high, such as domestic violence and child abuse complaints, juvenile cases and hotly contested divorces, are conducted with only a judge, possibly a stenographer, and, if available, an employee of the clerk's office, present in the courtroom. The superior court, too is in need of additional bailiff support if its proceedings are not to be delayed.

In courts where security is now provided, dangerous weapons such as guns, knives and brass knuckles are seized on a daily basis. This means that in courts where we now have no security, that it is more than likely that every day people are walking in with dangerous weapons. In courts without security, the State is exposing court personnel, members of the public, jurors, and parties to a continuing risk of serious injury.

Whether this request is funded with an appropriation enabling us to contract with sheriff departments for bailiff services or by creating a few full-time positions, the

holders of which would ride circuit among the district courts, the point is that we must have security.

Another urgent priority for this biennium is the need for additional clerical personnel. Our current ability to keep pace with administrative and clerical requirements is directly attributable to the dedication of our non-judicial personnel. They routinely work overtime at no compensation to ensure that their responsibilities are fulfilled. We have imposed on their enthusiasm and goodwill for too long and unless we can enhance the level of clerical support, I think it is likely that we will lose many experienced senior clerks and clerical employees.

We need a variety of new positions, ten of which are to staff the Nashua location of the Hillsborough County Superior Court. As you may know, the new courthouse is under construction and is scheduled for completion in early Fiscal '91. Without your support for staffing and operating expenses, we would not be able to use this seven million dollar facility.

Another important priority is the automation or computerization of the courts. Nothing has done more to impair the efficient operation of our court system than the lack of automation in our district, probate and five superior court locations. Our failure to provide courts with basic word processing and data processing equipment obviously affects their productivity and efficiency and is a luxury we can no longer afford. Ironically, most litigants filing actions in our courts employ computers to prepare their pleadings, motions, and correspondence. Upon receiving them, our clerk's offices must process and record them and correspond with the parties manually.

We consider this need to be of such importance that if funding for it cannot be found in existing projected general fund revenues, we have suggested that it be funded by a 3% increase in the current penalty assessment on fines. Funds collected from this source — estimated at \$550,000 a year — would be dedicated to computerization. Regardless of the source of funds, we desperately need automation.

In connection with our requests for security and clerical personnel and computerization, I would ask that any of you who have not done so visit your local district court, your county superior court and the supreme court to ask questions and to observe firsthand the conditions under which our employees are working. It is only by doing so that you will understand fully the depth of my concerns.

Finally, there are a number of bills pending before you that are of interest to us. Today, I would like only to mention SB 81, a bill that would transfer the real estate management function for court facilities from the Judicial Branch to the Executive.

We have discussed this bill with your leadership and the Governor and are assured that, although the responsibility for acquisition and maintenance of court facilities would be transferred to the Department of Administrative Services in the Executive Branch, the legitimate interests and concerns of the Judicial Branch that court facilities meet established standards and be fully accessible for the business of the courts will be recognized. For many reasons, we believe that we should not be in the real estate business and we strongly support SB 81.

Speaking of court facilities, we are delighted that our capital budget proposals relating to the construction of a new court facility in the City of Concord, architectural design funds for a new Rockingham County Superior Court, and the acquisition of the Portsmouth District Court facility have so far received your favorable consideration. If you ultimately approve these proposals, we believe that you will have addressed the most urgent of our facility problems for the next two years.

In concluding, I wish to assure you that the Judicial Branch will remain realistic in its requests and expectations and I am confident that the spirit of cooperation that exists among the branches will enable us to return here two years from now and report that the State of the Judiciary is excellent and that we have been able to serve the people well.

Rep. Palumbo and Sen. Dupont moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

(Speaker in the Chair)

EXTENSIONS

The Committee on Executive Departments and Administration requested a three legislative day extension on the following bills:

HB 93, relative to the board of nursing.

HB 250, relative to the classified personnel system.

HB 350, relative to the unclassified personnel system.

HB 428, regarding the licensing of morticians.

HB 574, relative to licensure of mental health professionals.

Granted.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 397, relative to the composition of the dental board, was removed at the request of Rep. Copenhaver.

Adopted.

HB 268-FN, regulating residential telephone solicitation. Inexpedient to Legislate.

Some features of the bill have been embodied in an alternative piece of legislation. Others relating to unwanted calls are being dealt with directly by the phone company on a voluntary basis. Vote 12-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

HB 373-FN, relative to the use of automatic telephone dialing systems. Ought to Pass with Amendment.

The amendment tightens the definition of "solicitation;" specifies the requirements for caller identification, disconnection, and for pre-registration with the Attorney General's Office. These changes still represent a consensus of diverging views. Vote 11-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 359-E:1 as inserted by section 1 of the bill by replacing it with the following:

359-E:1 Definitions. In this chapter:

I. "Automatic telephone dialing system" means any automatic terminal equipment which stores or produces numbers to be called randomly or sequentially and which delivers a prerecorded message to the number called without assistance of a live operator.

II. "Solicitation" means the unrequested initiation of a telephone call to a residential telephone subscriber for the purposes of giving, selling, or leasing services or goods, whether real or personal, tangible or intangible; or to gain a pledge, promise or contribution in circumstances where there is no pre-existing relationship between the caller and the person called; or to obtain information, data or opinions.

Amend RSA 359-E:2 as inserted by section 1 of the bill by replacing it with the following:

359-E:2 Registration.

I. Any person intending to use an automatic telephone dialing system for solicitation in this state shall, at least 10 business days prior to using the system, register with the consumer protection and antitrust bureau of the department of justice the information required by RSA 359-E:3, and, if the registrant is a paid solicitor, the information required by RSA 7:28-c. At the time of filing, the registrant shall also pay to the department an annual non-proratable administrative fee of \$20 for the calendar year.

II. The registrant shall be responsible for providing timely identification and automatic disconnect in accordance with RSA 359-E:4 and 359-E:5. Calls pertaining to an interest in real estate shall comply with the disclosure requirements of RSA 356-A and 356-B.

III. All transmissions shall be randomly generated in unequal intervals, and shall not infiltrate any emergency lines, such as police, fire, or ambulance lines, which are either 911 circuits or 7-digit telephone numbers designated as emergency lines.

Amend RSA 359-E:4 as inserted by section 1 of the bill by replacing it with the following:

359-E:4 Dialer Disconnect. Any automatic telephone dialing system used in this state shall be operated so that the system will automatically disconnect or release within 30 seconds after the called party hangs up.

Amend RSA 359-E:5 as inserted by section 1 of the bill by replacing it with the following:

359-E:5 Identification. Any solicitation message made through the use of an automatic telephone dialing system shall disclose immediately after telephone contact:

I. The name of the person, company, or organization making the call.

II. The purpose of the call and the goods or services being offered, if any.

AMENDED ANALYSIS

This bill requires any person who uses an automatic telephone dialing system to make calls for purposes of solicitation, to register with and pay a fee to the consumer protection and antitrust bureau of the department of justice. Persons using automatic telephone dialing systems must, in their commercial solicitation messages, identify themselves and state the purpose of the call and the goods and services which they are offering. Any person who violates the provisions of this bill is subject to both civil and criminal penalties.

HB 503, relative to business and voluntary corporations. Ought to Pass.

The bill removes obsolete references to provisions repealed in 1981, and repeals provisions on articles of amendment in the Business and Voluntary Corporations Law. This bill is on the recommendation of the Secretary of State. Vote 14-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 682-FN, establishing a fire service training fund to pay the costs of establishing a fire academy in New Hampshire. Inexpedient to Legislate.

The Committee fully agrees with the idea of establishing a fire service training academy in New Hampshire. However, it did not find the funding method appropriate, and it seems unworkable. Vote 13-0. Rep. Kenneth M. MacAskill for Commerce, Small Business and Consumer Affairs.

HB 462, eliminating the voter eligibility requirement for notary publics. Re-refer to Committee.

This bill would eliminate the voter eligibility requirement for notaries public. In light of the February 10, 1989 opinion of the Supreme Court of New Hampshire which states that RSA 455:2 violates state and federal equal protection mandates, the Committee recommends re-referral. Vote 12-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

HB 500, relative to placing offices on the state general election ballot. Inexpedient to Legislate.

No one appeared to testify; one testimony card was submitted in opposition. Vote 12-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

HB 553, relative to the Wentworth-Douglass Hospital charter. Ought to Pass.

This bill simply allows Wentworth-Douglass Hospital the same powers and privileges of all other nonprofit hospitals. Vote 12-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HB 690, relative to surplus funds and expenditures by candidates. Re-refer to Committee.

The Committee feels this bill has merit. In hearing several difficult and, as yet unanswerable questions, were discussed. The Committee wishes to re-refer the bill for further study. Vote 12-0. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

HCR 5, encouraging business and industries in New Hampshire to offer "good student" discounts. Ought to Pass.

The Committee agrees with the sponsor that this is a good policy statement to New Hampshire businesses to encourage their involvement in promoting education. This will also provide an incentive for all students to raise their level of achievement. This resolution has the support of the New Hampshire Association of Commerce and Industry as well as the Business and Industry Association. Vote 18-0. Rep. Jacquelyn Domaingue for Education.

HB 517, relative to current use posting. Inexpedient to Legislate.

This bill would require owners of property characterized as open space land to post signs on the property indicating that it is open for public use. Under current law, land that is presently unposted is open for recreational use. The Committee felt that requiring posting would be a disincentive for landowners to place land in current use. Vote 18-0. Rep. Douglass P. Teschner for Environment and Agriculture.

HB 576-FN, relative to cruelty to animals. Inexpedient to Legislate.

There are already laws under RSA 644:8 that address this problem. Vote 18-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 67, specifying the rulemaking authority of the commissioner and the directors of the department of environmental services. Ought to Pass with Amendment.

This bill is necessitated by the 1986 reorganization of the Department of Environmental Services. As amended, it specifies rulemaking authority of the Commissioner and the Directors of the Divisions of Air Resources, Water Supply and Pollution Control, Waste Management and Water Resources, with public hearings and written final approval of the Commissioner. The Directors of the Divisions present all proposed rules to the appropriate councils for consideration and opinion prior to filing. Vote 14-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

Amendment

Amend RSA 21-O:13 as inserted by section 2 of the bill by replacing it with the following:

21-O:13 Rulemaking Authority of Director of Division of Air Resources. The director of the division of air resources, subject to the written final approval of the commissioner of environmental services, shall adopt rules, after public hearing, relative to air pollution control, as authorized by RSA 125-C:4, I.

Amend the introductory paragraph of RSA 21-O:13-a as inserted by section 3 of the bill by replacing it with the following:

21-O:13-a Rulemaking Authority of Director of Division of Water Supply and Pollution Control. The director of the division of water supply and pollution control, subject to the written final approval of the commissioner of environmental services:

Amend the introductory paragraph of RSA 21-O:13-a, II as inserted by section 3 of the bill by replacing it with the following:

II. Shall adopt rules, after public hearing, and under RSA 541-A relative to:

Amend the introductory paragraph of RSA 21-O:13-a, III as inserted by section 3 of the bill by replacing it with the following:

III. Shall adopt rules, after public hearing, and under RSA 541-A, relative to:

Amend the introductory paragraph of RSA 21-O:13-b as inserted by section 3 of the bill by replacing it with the following:

21-O:13-b Rulemaking Authority of Director of Division of Waste Management. The director of the division of waste management, subject to the written final approval of the commissioner of environmental services, shall adopt rules, after public hearing and under RSA 541-A:

Amend the introductory paragraph of RSA 21-O:13-c as inserted by section 3 of the bill by replacing it with the following:

21-O:13-c Rulemaking Authority of Director of Division of Water Resources. The director of the division of water resources, subject to the written final approval of the commissioner of environmental services, shall adopt rules, under RSA 541-A and after public hearing, relative to:

Amend the introductory paragraph of RSA 147-A:3, II as inserted by section 5 of the bill by replacing it with the following:

II. The director of the division of waste management, subject to written final approval of the commissioner of environmental services, shall adopt rules, under RSA 541-A and after public hearing, relative to:

Amend RSA 148-B:4-b, II as inserted by section 6 of the bill by replacing it with the following:

II. The director of the division of water supply and pollution control, subject to the written final approval of the commissioner of environmental services, shall adopt rules, under RSA 541-A and after public hearing, relative to standards for the case-by-case establishment of maximum contaminant levels or water treatment techniques for unregulated contaminants in public water systems.

Amend the introductory paragraph of RSA 148-B:5, III, as inserted by section 7 of the bill by replacing it with the following:

III. The director, subject to the written final approval of the commissioner of environmental services, shall adopt rules, under RSA 541-A and after public hearing, relative to:

Amend the introductory paragraph of RSA 149-E:5, IV as inserted by section 8 of the bill by replacing it with the following:

IV. Adopt rules, subject to the written final approval of the commissioner of environmental services, under RSA 541-A and after public hearing, relative to:

HB 421-FN, relative to licensing gas installers. Re-refer to Committee.

As with the other bills this session calling for new licensing, this bill is extremely intricate. The Committee unanimously asks for more study time. Vote 19-0. Rep. Ada L. Mace for Executive Departments and Administration.

HB 430-FN, relative to licensing and certifying real estate appraisers. Re-refer to Committee.

Most persons testifying agreed that regulation in the practice of real estate appraising was a good and needed procedure. However, the amiable and concerned consensus of those testifying; real estate agents, appraisers, bankers, builders and others somehow involved with appraisals was to give the bill more study. This would allow time to work out differences and come up with a better bill for all involved. Vote 17-0. Rep. John A. King for Executive Departments and Administration.

HB 437-FN, licensing alarm installers. Re-refer to Committee.

This is a highly technical bill with several amendments offered. The Committee felt it certainly needed a great deal of study. Vote 16-2. Rep. Ada L. Mace for Executive Departments and Administration.

HB 603-FN, relative to state-owned land. Inexpedient to Legislate.

The Committee feels that if a study is done of state-owned lands it should include all state-owned lands, the Committee also feels all House and Senate study Committees should be appointed by the Speaker of the House and the Senate President not by the respective chairs. Vote 18-0. Rep. Beverly A. Gage for Executive Departments and Administration.

HB 621-FN, relative to state employee compensation for snow handling. Inexpedient to Legislate.

The Committee feels that any special overtime pay for snow handling should be a matter for collective bargaining. Both RSA 99-B and 99-C, which deal with snow handling overtime, ought to be repealed, not amended, but not until the subject matter is covered by collective bargaining agreements. Vote 16-0. Rep. Richard H. Campbell for Executive Departments and Administration.

HB 267-FN, relative to vicious dogs. Ought to Pass with Amendment.

The bill makes a parent or guardian liable for property damage done by a dog owned by a minor. The town or city animal officer shall notify within 24 hours the person whose skin has been punctured whether the dog was immunized against rabies. The bill increases the amount of fines for offenses under RSA 466:31 and further requires any person who has paid two such fines to have further offenses disposed of by a court. The bill modifies town or city orders relating to restraining dogs to apply only in cases of rabies epidemics. It also modifies the requirements of posting public notices. Vote 15-0. Rep. C. William Johnson for Judiciary.

Amendment

Amend RSA 466:31 II-a as inserted by section 4 of the bill by replacing it with the following:

II-a. If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal officer, if any, or to the town clerk, such officer or clerk shall, within 24 hours, notify the injured person, or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

Amend RSA 466:29 as inserted by section 2 of the bill by replacing it with the following:

466:29 Order; Rabies Epidemic.

I. In the case of a rabies epidemic, the mayor and aldermen of a city or the selectmen of a town may order that all dogs within the limits of the city or town shall be muzzled or restrained from running at large during the time prescribed by such order. After passing the order, the governing body of such city or town shall post a certified copy of the order in 2 or more public places in the city or town, or, if a daily newspaper is published in the city or town, publish a copy at least once in the newspaper.

II. The mayor or alderman or selectmen may issue their warrant to one or more of the police officers of such city or town who shall, after 24 hours from the publication of the notice required under paragraph I, impound all dogs found running at large contrary to such order. The dog owner shall be notified, if his identity is known. Any dog impounded in accordance with this section who has been conclusively found to be rabid shall be destroyed in the most humane manner possible. After 7 consecutive days of impoundment, title of a dog shall pass to the facility holding the dog, unless the owner has claimed such dog. The owner of the dog shall be responsible for all costs associated with the impoundment of his dog under this section.

AMENDED ANALYSIS

This bill makes a parent or guardian liable for property damage done by a dog owned or kept by a minor. If an incident is reported, the bill requires an animal officer or town clerk to notify within 24 hours any person or the parent or guardian of any minor whose skin has been punctured by a dog whether the dog was immunized against rabies.

This bill also changes the fines for offenses under RSA 466:31 and requires any person who has paid 2 such fines to have further offenses disposed of by a court.

The bill modifies the sections allowing a town or city to order that dogs be muzzled or restrained to apply only in cases of a rabies epidemic within such city or town.

HB 571-FN, establishing standards for mediators. Ought to Pass with Amendment.

This bill creates a board of mediation certification and establishes such certification for marital mediators. The minor amendment recommended by the Committee clarifies the training provisions in the bill, and establishes a minimum of 20 hours of internship. Vote 17-0. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Marital Mediators. Amend RSA by inserting after chapter 328-B the following new chapter:

CHAPTER 328-C

MARITAL MEDIATORS

328-C:1 Purpose. The purpose of this chapter is to protect and assist the public by providing standards for the practice of marital mediation, training and continuing education for certified marital mediators and certified marital mediation programs, and disciplinary procedures for violating ethical rules and requirements.

328-C:2 Definitions. In this chapter:

I. "Board" means the board of marital mediator certification established by RSA 328-C:4.

II. "Certified marital mediation program" means a program that has been certified under this chapter, and that administers and supervises a group of marital mediators who are qualified under this chapter to offer their services to the general public.

III. "Certified marital mediator" means a person certified under the provisions of this chapter to act as a marital mediator.

IV. "Marital mediation" means a process by which an impartial third person or persons, with the consent of the parties, assists and enables the parties to a divorce to work together to reach a mutually satisfactory settlement of the issues involved in such divorce.

V. "Marital mediator" means an impartial third person who, with the consent of the parties to a divorce, assists and enables the parties to work together to reach a mutually satisfactory settlement of the issues in a dispute.

328-C:3 Misrepresentation. No person shall use the title of certified marital mediator or certified marital mediation program, or use or advertise any title or description which conveys the impression that the person is a certified marital mediator or certified marital mediation program, unless the person has been certified under this chapter.

328-C:4 Board.

I. There shall be a board of marital mediator certification consisting of the following 9 members:

(a) One superior court judge, appointed by the chief justice of the supreme court.

(b) One full-time marital master, appointed by the chief justice of the superior court.

(c) One attorney licensed to practice law in this state, appointed by the governor with the consent of the council.

(d) Two members of the public, appointed by the governor with the consent of the council.

(e) One mental health professional, appointed by the governor with the consent of the council.

(f) Three marital mediators, nominated by the New Hampshire Mediators Association and appointed by the governor with the consent of the council.

II. Of the members initially appointed to the board: 3 members shall be appointed to 3 year terms; 3 members shall be appointed to 2 year terms; and 3 members shall be appointed to one year terms. After the initial terms expire, appointments and reappointments to the board shall be for 2 year terms. Vacancies shall be filled by appointment for the unexpired term.

III. The board shall elect its own chairman every 2 years by a majority vote.

328-C:5 Qualifications. The board shall require applicants for certification to meet the following conditions:

I. Satisfactory completion of a program of instruction approved by the board and at least 40 hours in length which includes components in family dynamics, domestic violence, and relevant law.

II. Completion of an internship approved by the board and at least 20 hours in length with a certified marital mediator or certified marital mediation program.

III. Submission of a completed application to the board.

IV. Submission of at least 3 recommendations from persons who have participated with the applicant in marital mediation work. These recommendations shall meet any additional requirements established by rules adopted by the board.

328-C:6 Certification Renewal. Each marital mediator or marital mediation program shall renew its certification with the board once every 3 years. To renew such certification, each marital mediator shall provide evidence of attendance of at least 8 hours annually in a continuing education program approved by the board. A certified marital mediation program seeking renewal shall provide evidence that each of the marital mediators associated with the program has met the annual continuing education requirements of this section.

328-C:7 Disciplinary Action. The board, by procedures established under rules adopted pursuant to RSA 541-A, shall hold a hearing in response to any complaint received against a person or program certified under this chapter. The person or program shall be given the opportunity to respond in writing to the complaint and be present at the hearing. If such person is found to have violated the provisions of this chapter, the board may:

I. Issue a written warning.

II. Temporarily suspend the certification of such person or program.

III. Permanently suspend the certification of such person or program. The board shall establish conditions for reinstatement of any temporarily suspended certification at the time of such suspension, and notify the person or program of those conditions within 10 business days of such suspension.

328-C:8 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Form and content of the application for certification.

II. Certification standards for marital mediator training programs required by RSA 328-C:5, I.

III. Duration and content of internship programs required by RSA 328-C:5, II.

IV. Ethical and procedural standards for certification.

V. The responsibilities of certified marital mediators and certified marital mediation programs to the parties they serve.

328-C:9 Privileged Communications.

I. Marital mediation proceedings shall be held in private, and all communications, oral or written, made in the proceedings shall be privileged and confidential and shall not be disclosed, except as provided in paragraph III of this section.

II. Nothing said by the parties during marital mediation sessions shall be admissible in further divorce proceedings.

III. No certified marital mediator shall be subpoenaed by any court of competent jurisdiction in this state to disclose any information received from any client unless:

(a) The privilege is waived by all parties to the marital mediation case.

(b) A party is alleged to have committed perjury regarding material information conveyed during marital mediation.

(c) The marital mediator has received information alleging abuse or sexual abuse or neglect as defined by RSA 169-C or RSA 173-B.

(d) The marital mediator has received information about a crime that has been or is about to be committed.

328-C:10 Limitations. Nothing in this chapter shall be construed to prevent the court from retaining jurisdiction to make emergency orders as appropriate, nor to stop marital mediation if one party or the marital mediator has indicated to the court that no agreement can be reached through marital mediation.

2 New Section; Voluntary Marital Mediation. Amend RSA 458 by inserting after section 15 the following new section:

458:15-a Voluntary Marital Mediation. In any proceeding under this chapter, the court shall suspend proceedings if both parties state that voluntary marital mediation will be attempted in order to reach a mutually agreeable arrangement. In such instances the appointment of a guardian ad litem under RSA 458:17-a shall not be required until the parties have been unable to arrive at an agreement after marital mediation. All marital mediators shall be certified pursuant to RSA 328-C. The parties shall directly contract with the private marital mediator and shall be responsible for payment of the fee for such marital mediation. If private marital mediation is selected, the parties or counsel, if any, shall sign and file with the court a written notice that private marital mediation shall take place. The notice shall include the name of the marital mediator and the date set for the first marital mediation session. Marital mediation proceedings shall be held in accordance with RSA 328-C and communications during such proceedings shall be privileged in accordance with RSA 328-C:9. The court shall not allow or shall suspend marital mediation proceedings when it appears to either the court or the mediator, or when either party asserts that abuse as defined by RSA 169-C or RSA 173-B has occurred, unless the alleged victim under RSA 173-B requests mediation and the mediator is made aware of the alleged abuse.

3 Appointment of Board; Rules. Notwithstanding the effective date of section 1 of this act, the appointments of the board members required under RSA 328-C:4 shall be made no later than 60 days after the effective date of this section, and the board shall adopt rules under RSA 328-C:8 so that the rules will be in effect no later than January 1, 1989.

4 Effective Date.

I. Section 3 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1989.

AMENDED ANALYSIS

The bill, as amended, establishes a board of marital mediator certification authorized to certify the practice of marital mediation services in divorce cases by persons or programs in New Hampshire. The board is to consist of a superior court judge, a marital master, a licensed attorney, 2 public members, a mental health professional, and 3 marital mediators. The board is to set standards for the practice of marital mediation, certify individual marital mediators and marital mediation programs, and discipline violations of marital mediation standards. Marital mediators are required to be recertified every 3 years, and to attend continuing education programs annually.

The bill forbids courts from issuing subpoenas to require marital mediators to testify about information imparted during marital mediation, except in limited circumstances. This bill also creates a privilege of confidentiality for communications in marital mediation proceedings.

This bill requires the court to suspend proceedings under the domestic relations chapter when both parties state that voluntary marital mediation will be attempted in order to reach an agreement. The bill, as amended, states the court shall not allow or shall suspend marital mediation in cases involving domestic violence or child abuse or neglect, unless the victim of the alleged domestic violence requests mediation and the mediator is made aware of such alleged domestic violence. The parties shall be responsible for payment of the marital mediator. All marital mediators must be certified and marital mediation proceedings shall be conducted in accordance with standards required by law and by rules adopted by the board of marital mediator certification.

HB 593-FN, relative to collective bargaining. Ought to Pass with Amendment.

This legislation clears up and expedites public employees' collective bargaining by submitting cost items directly to the legislative body of the public employer as well as encouraging negotiations to progress. Vote II-1. Rep. Ronald P. Sage for Labor, Industrial and Rehabilitative Services.

Amendment

Amend RSA 273-A:3, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Only cost items shall be submitted to the legislative body of the public employer for approval. *Notwithstanding RSA 32, these items shall be submitted directly to the legislative body of the public employer. The legislative body shall first vote on the funding of the proposed agreement without amendment. If such proposed agreement is not accepted,* [If] the legislative body *may* [rejects] *reject* any part of the submission, or while accepting the submission [takes] *take* any action which would result in a modification of the terms of the cost item submitted to it[,] *and* [either party may] *the parties shall* reopen negotiations on all or part of the entire agreement.

HB 664-FN, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights. Ought to Pass with Amendment.

The New Hampshire Labor Department and the Commission for Human Rights are in favor of this bill. It will formalize what is presently being done on an informal basis. The amendment would clarify language about equal pay. There is no fiscal

impact on the state nor on either agency. Vote 11-0. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

Amendment

Amend RSA 354-A:16 as inserted by section 1 of the bill by replacing it with the following:

354-A:16 Equal Pay. No employer shall discriminate in the payment of wages on the basis of age, gender, race, religious preference, or national origin, or shall pay any person in his employ salary or wage rates less than the rates paid to other employees for equal work or work on the same operations. However, nothing in this subdivision shall prohibit a variation in rates of pay based upon a difference in seniority, experience, training, skill, ability, or difference in duties and services performed, either regularly or occasionally, or difference in the shift or time of the day worked, or difference in availability for other operation, or other reasonable differentiation except difference in age, gender, race, religious preference, or national origin.

AMENDED ANALYSIS

This bill transfers enforcement authority over the equal pay act from the labor commissioner to the commission for human rights. The bill also prohibits wage discrimination on the basis of age, gender, race, religious preference, or national origin. The equal pay act currently prohibits wage discrimination solely on the basis of gender. Some minor alterations are also made in the law.

HB 243-FN, enabling cities and towns to tax antenna towers. Inexpedient to Legislate.

Whether antenna towers, and what type of tower should be taxed as structures, is presently handled in a variety of ways by the cities and towns. Although the Committee desires that the matter be settled, it feels that this bill is not the answer. Allowing assessment of this type of real estate to be determined by local referendum is an uncertain and potentially inequitable treatment. The Committee strongly urges the Department of Revenue Administration to develop uniform guidelines for all assessing officials to follow in assessing this type of real estate. Vote 14-0. Rep. George M. West for Municipal and County Government.

HB 313, relative to the Carroll county attorney. Ought to Pass.

This bill permits the Carroll County Attorney to engage in the private practice of civil law. This legislation is identical to the one in effect in Belknap County which has been reported to the Committee as working well. Vote 14-0. Rep. Lillian E. Soucy for Municipal and County Government.

HB 361-FN, creating a committee to study the establishment of property districts for the purposes of alternative tax evaluations for island residents. Inexpedient to Legislate.

The effect of this bill would be to establish a committee for the study of taxation of island property. The bill is similar in intent to several others proposed in this session. The Committee is not anxious to have several study committees pursuing the same objectives. The Committee will propose its own House Bill of Intent to address the concerns raised by this and those similar pieces of legislation. Vote 18-0. Rep. Lewis W. Brown for Municipal and County Government.

HB 387-FN, relative to tax exemptions for veterans and veterans' surviving spouses. Inexpedient to Legislate.

This bill would allow towns to increase veterans' exemptions from the current \$50 to an unlimited amount. Normal procedure in voting on any increase in tax exemptions is by the legislative body, but this bill contains a radical departure from this practice by permitting the governing body to make this decision. Vote 17-0. Rep. Roger C. King for Municipal and County Government.

HB 432-FN-A, relative to funding for counties and county taxes. Inexpedient to Legislate.

The effect of this bill would be to establish a committee for the study of taxation of county government and purposes. The bill is similar in intent to several others proposed in this session. The Committee is not anxious to have several study committees pursuing the same objectives. The Committee will propose its own House Bill of Intent to address the concerns raised by this and those similar pieces of legislation. Vote 16-0. Rep. George M. West for Municipal and County Government.

HB 461, relative to conflict of interest laws concerning town officials. Inexpedient to Legislate.

No one appeared at the hearing. Furthermore, the provision outlined for approval would not be practical. Vote 17-0. Rep. George M. West for Municipal and County Government.

HB 472, relative to appeals to the zoning board of adjustment. Ought to Pass with Amendment.

House Bill 472 clarifies the fact that selectmen are "Administrative Officials" under RSA 676:5. Vote 15-0. Rep. David M. Perry for Environment and Agriculture.

Amendment

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

AMENDED ANALYSIS

This bill defines the terms "administrative officer" and "decision of the administrative officer" for the purposes of appeals to a board of adjustment.

HB 473, relative to building codes in municipalities. Ought to Pass.

This bill specifies the minimum requirements to be included in a local building code, expands the number of nationally recognized building codes which can be adopted by reference, and allows for periodic updates to codes previously adopted by reference. All testimony was in favor of this bill. Vote 15-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 476, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts. Ought to Pass with Amendment.

This bill, as amended, provides that 10 days prior to petitioning the Superior Court, the selectmen notify the Commissioner of Revenue Administration that an emergency exists together with an explanation of the emergency. Vote 17-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend RSA 31:5, II as inserted by section 1 of the bill by replacing it with the following:

II. Ten days prior to petitioning the superior court, the selectmen shall notify, by certified mail, the commissioner of the department of revenue administration that an emergency exists by providing him with a copy of the explanation of the emergency, the warrant article or articles and the petition to be submitted to the superior court. The petition to the superior court shall include a certification that the commissioner of the department of revenue administration has been notified pursuant to this paragraph.

Amend RSA 52:4, II as inserted by section 2 of the bill by replacing it with the following:

II. Ten days prior to petitioning the superior court, the selectmen shall notify, by certified mail, the commissioner of the department of revenue administration that an emergency exists by providing him with a copy of the explanation of the emergency, the warrant article or articles and the petition to be submitted to the superior court. The petition to the superior court shall include a certification that the commissioner of the department of revenue administration has been notified pursuant to this paragraph.

Amend RSA 197:3, II as inserted by section 3 of the bill by replacing it with the following:

II. Ten days prior to petitioning the superior court, the selectmen shall notify, by certified mail, the commissioner of the department of revenue administration that an emergency exists by providing him with a copy of the explanation of the emergency, the warrant article or articles and the petition to be submitted to the superior court. The petition to the superior court shall include a certification that the commissioner of the department of revenue administration has been notified pursuant to this paragraph.

AMENDED ANALYSIS

This bill requires towns, village districts, and school districts to notify the commissioner of the department of revenue administration before petitioning the superior court for permission to hold a special town meeting concerning emergency expenditures.

The bill also requires the petition to include certification that the commissioner has been properly notified of such petition.

HB 537-FN, authorizing the town of North Hampton to collect taxes for one 18-month accounting period. Ought to Pass.

This bill permits the town of North Hampton to assess and collect taxes for a single 18-month accounting period which shall run from January 1, 1989 to June 30, 1990. The 18-month accounting period is necessary in order to comply with the adoption by the town of an optional fiscal year under RSA 76:15-a. Vote 14-0. Rep. Lewis W. Brown for Municipal and County Government.

HB 543, enabling towns to hold special meetings to purchase land for conservation purposes. Inexpedient to Legislate.

The majority of the Committee feels that legislation now in place provides appropriately for special town meetings. Further, the Committee questions the possible conflict with HB 476 (recommended ought to pass). The amendment failed to address a question previously raised concerning village districts. The basic question involves the matter of allowing towns to call special meetings to raise and appropriate money

without the approval of the Superior Court. Despite the worthiness of protecting certain resources, the Committee does not believe it would be desirable. Vote 17-1. Rep. Paul A. Golden for Municipal and County Government.

HB 560, regarding funding measures established by municipalities to repay loans from the state water pollution control revolving loan fund. Inexpedient to Legislate.

House Bill 560 contains language already in statutes pertaining to funding of water pollution projects. Only the sponsor appeared in favor of the legislation. Vote 16-1. Rep. David M. Perry for Municipal and County Government.

HB 628-FN, relative to time period for perambulation of town or city boundaries. Inexpedient to Legislate.

The present system now in place is functioning and has functioned adequately for many years. The statute provides flexibility concerning unilateral cooperative action relating to adjacent municipalities. Vote 17-0. Rep. Paul A. Golden for Municipal and County Government.

HB 636-FN, relative to an optional property tax exemption for widows. Inexpedient to Legislate.

While the Committee realizes that this bill would aid certain residents, it questions the need and costs. Vote 15-0. Rep. John A. Middleton for Municipal and County Government.

HB 679, creating a school tax exemption for certain nonprofit organizations. Inexpedient to Legislate.

The intent of this bill is to provide an exemption for nonprofit organizations which own student housing from the payment of taxes which are assessed as part of the property tax bill. As written, however, the bill goes beyond student housing into faculty housing and other cooperative housing arrangements. The bill does not recognize married students and does not address students with children. In addition, the bill calls for completion of a local application to be "certified" by a college or university. The Committee believes that "certification" could be withheld, or withdrawn "in medias res," thus contradicting the intent of the bill further still. Vote 17-0. Rep. Gabriel Daneault for Municipal and County Government.

HB 688-FN, relative to equalizing tax rates within a cooperative school district. Inexpedient to Legislate.

This bill is inexpedient at the request of the sponsor. Vote 17-0. Rep. Roger C. King for Municipal and County Government.

HB 739-FN, to create an island real estate property tax exemption. Inexpedient to Legislate.

The effect of this bill would be to establish a committee for the study of taxation of island property. The bill is similar in intent to several others proposed in this session. The Committee is not anxious to have several study committees pursuing the same objectives. The Committee will propose its own House Bill of Intent to address the concerns raised by this and those similar pieces of legislation. Vote 18-0. Rep. John A. Middleton for Municipal and County Government.

HB 533-FN, relative to the custody and impoundment of certain dogs. Ought to Pass with Amendment.

During the past year there has been much publicity generated on the subject of "dangerous dogs," particularly where children have been involved. The bill, as amended, creates enabling legislation pertaining to "dangerous dogs" which may be

adopted by any municipality. To assure maximum publicity to and participation by the public, such adoption shall be by written ballot. Also, the bill provides guidelines for determining a dog as "dangerous," and the procedure to be followed if a dog is confirmed as "dangerous" by the court. Fiscal impact is undetermined. Vote 12-2. Rep. Carl F. Anderson for Public Protection and Veterans Affairs.

Amendment

Amend RSA 466:61, I as inserted by section 3 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) Hearing ear and seeing eye dogs, as referred to in RSA 167-D.

HB 568-FN, regarding noise pollution control. Inexpedient to Legislate.

The Committee performed extensive research on the subject of "noise control" and determined that existing statutes, for both cities and towns, permit the enactment of local ordinances or bylaws on this subject. Among those municipalities which have adopted "noise control" ordinances are the cities of Franklin and Claremont and the towns of Plymouth, Durham, Goffstown and Merrimack. Each of these noise control ordinances could be used as a guide by any other community desiring to effect such controls. Vote 14-0. Rep. Dennis C. Fields for Public Protection and Veterans Affairs.

HB 629-FN, relative to gravesites. Ought to Pass with Amendment.

Members of historical, genealogical and old graveyard associations are interested in assuring that existing burial sites are preserved and not encroached upon by developments, housing projects and shopping malls, and that the location of all burial sites, both public and private, are annotated on the municipal tax map. Such annotating action will assure easy access to descendants, historians and monument buffs and will make prospective property buyers aware that a burial site exists on the property in which they are interested.

The bill, as amended, prohibits any excavation or building within 50 feet of an existing burial site, unless the excavation or construction is required for a public improvement (installation of a water main, sewer line, gas transmission line, etc.) and such excavation/construction etc., is approved by the governing body of the municipality, or if on a state highway, is approved by the Commissioner of the Department of Transportation. Vote 14-0. Rep. Robert J. Daly for Public Protection and Veterans Affairs.

Amendment

Amend RSA 289:2-a, II as inserted by section 1 of the bill by replacing it with the following:

II. No subsurface excavation or new development shall be conducted within 50 feet of a known burial site, whether or not such burial site was properly recorded in the deed to the property, except when such excavation or new development is necessary for the construction of a public improvement, as approved by the governing body of a city or town, or in the case of a state highway, by the commissioner of the department of transportation.

Amend the bill by replacing section 2 with the following:

2 Recording of Old Gravesites. Amend RSA 289:4 to read as follows:

289:4 Cemetery Records. The selectmen, person, association commissioners, cemetery trustees, or other body charged with the responsibility of operation and

administration of any cemetery *under their control*, shall keep a record of every burial [in any cemetery under their control,] showing the date of burial and name of the person buried, when these particulars can be obtained, and the lot, plot, or part [thereof] *of such plot or lot*, in which the burial was made. *Such records shall also be kept of every private burial site within a municipality and the location of each private burial site shall be annotated on the municipal tax map.* A copy of such record, duly certified, shall be furnished to any person on demand and payment of a fee of \$.50. The fee shall be for the use of the person issuing the certificate.

Amend the bill by deleting section 3 and renumbering section 4 to read as 3.

AMENDED ANALYSIS

This bill prohibits subsurface excavation or new development within 50 feet of existing gravesites, except for construction of a public improvement.

The bill requires that records be kept by municipal officials or municipal cemetery officials concerning private burial sites.

HB 694-FN, relative to dogs and cats. Inexpedient to Legislate.

The issues of licensing cats and immunizing them against rabies are addressed in HB 64. Vote 13-0. Rep. Frances L. Riley for Public Protection and Veterans Affairs.

HB 70-A, increasing the appropriation for constructing regional vocational education centers. Ought to Pass with Amendment.

As amended, HB 70 calls for a legislative study of the vocational-educational system. The number of centers has been increased and several are under construction now, but it appears the attendance is not meeting expectations and the program itself should be reviewed before it is expanded by \$17 million dollars. This master plan construction schedule was developed in 1969 and it is time to stop and look at how effective it is before going ahead. Vote 19-0. Rep. James D. Phelps for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to examine the
vocational education system.

Amend the bill by replacing all after the enacting clause with the following:

I Committee Established; Duties. There is established a legislative study committee to examine the vocational education system in New Hampshire. The duties of the committee shall be:

I. To review the original plan which established the vocational education system within the state.

II. To determine if the vocational education system as it currently exists has met its original objectives.

III. To determine if the vocational education system has met the expectations of its faculty and students and the New Hampshire employers affected.

IV. To review the costs and benefits and the successes or failures of the vocational education system.

V. To consider all other items it deems necessary to review completely the vocational education system.

VI. To make objective recommendations for the future of the systems based upon its findings, including any proposed legislation.

2 Membership. The membership of the committee shall be:

I. Two members from the house of representatives, one from the education committee and one from the public works committee, appointed by the speaker of the house.

II. Two members from the senate, one from the education committee and one from the capital budget committee, appointed by the president of the senate.

III. Three members appointed by the governor, one to represent New Hampshire business and industry, one to represent the vocational education system, and one to represent the general public.

3 Meetings; Chair. The first meeting of the committee shall be called by the first representative appointed to the committee and shall take place within 30 days after the effective date of this act. The chair of the committee shall be chosen by a majority vote by the members at the first meeting.

4 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation, to the speaker of the house, the president of the senate, and the governor, on or before December 1, 1989.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine the vocational education system as it currently exists in New Hampshire.

HB 256-FN-A, relative to a study of the Civilian Conservation Corps buildings at Bear Brook state park and making an appropriation therefor. Inexpedient to Legislate.

The Committee on Public Works feels very strongly that the Civilian Conservation Corps buildings at Bear Brook State Park should be maintained and preserved, but felt the funds to do same should be in the Department of Resources and Economic Development's operating budget - not a legislative bill. The Committee has agreed to notify the Appropriations Committee that the preservation of these historical buildings should be done by DRED and done soon, and hopefully \$10,000 can be included or something deleted in their budget to accomplish same. Vote 15-0. Rep. Gene G. Chandler for Public Works.

HB 384-FN, establishing a task force to review the recommendations of the Manchester airport and highway study. Ought to Pass.

House Bill 384 establishes the task force necessary to implement the recommendations of the Manchester Airport and Highway study and it is necessary to go forward with that study. The study was authorized in the last session of the Legislature and is expected back by July 1 of this year. Vote 15-0. Rep. James D. Phelps for Public Works.

HB 509-FN, authorizing industrial development financing for the Manchester Airport. Ought to Pass.

The State of New Hampshire needs to have an accessible and centrally-located airport to serve its present and future needs. The strong economic growth of our businesses, our attraction as a tourist state and the complications surrounding access to Logan Airport and the future flight problems of that airport reinforce the need to improve the Manchester Airport. The State Treasurer, through consultation with bond counsel, has indicated that this state guarantee of bonds will assist in the financing, but will in all likelihood never be called upon. New Hampshire needs to have these

improvements to make air travel more efficient to all its citizens. Vote 15-0. Rep. Peter A. Burkush for Public Works.

HB 13, relative to catering licenses for serving alcoholic beverages outside. Inexpedient to Legislate.

Testimony was received indicating technical problems with this bill. SB 94 addresses the sponsor's concerns and the Committee feels that the sponsor's intentions are justified and will be addressed through SB 94. Vote 17-0. Rep. Thomas A. Behrens for Regulated Revenues.

HB 451-FN, relative to return of a portion of sweepstakes money to municipalities of origin and distribution under the foundation aid formula. Inexpedient to Legislate.

The Committee felt this bill would subvert the present distribution by the Augenblick Formula and would be changing an educational policy already set by the state. Vote 17-0. Rep. Betsy McKinney for Regulated Revenues.

HB 22, repealing an act relative to the Beaver Brook flood control project. Inexpedient to Legislate.

Current law, RSA 481-A relative to Beaver Brook Flood Control Project is no longer necessary because the project has been completed. Vote 12-0. Rep. Stacey W. Cole for Resources, Recreation and Development.

HB 34, correcting references in the law relating to the division of water resources. Ought to Pass with Amendment.

This is a housekeeping bill to conform references in the law which should have been changed to the Water Resources Division when the Department of Environmental Services was established. Vote 19-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend RSA 155-E:4, VII as inserted by section 5 of the bill by replacing it with the following:

VII. When excavation is planned beneath or adjacent to inland surface waters in such manner that a permit is required from the *division of* water supply and pollution control [commission], the *division of* water resources [board], the [special] *wetlands* board [on dredge and fill] or other state or federal agencies with jurisdiction over the premises; but the regulator may approve the application when all necessary permits have been obtained; or

HB 35, repealing certain provisions of law relating to the division of water resources. Inexpedient to Legislate.

The subject covered in this bill is included in the bill for recodification of the water laws and is not needed at this time. Vote 13-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 80-FN, relative to land under the jurisdiction of the wetlands board. Ought to Pass with Amendment.

The purpose of this bill, as amended, clearly defines the "buffer zone" which is the transition between tidal wetland and the adjacent upland. The buffer zone is a critical part of a healthy salt marsh ecology and, with passage of the legislation, would be regulated in conjunction with the salt marsh. Current law defines such land as areas with a surface at an elevation not exceeding three and one-half feet above local mean

high tide. This bill changes the current vertical measurement method to one based on a horizontal distance from the highest observable tide line. The amendment defines sand dunes and drops a list of species of salt marsh grasses catalogued in RSA 483-A:1-a which are now found in Wetland Board rules. Vote 17-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Redefining Land Bordering on Tidal Waters. Amend RSA 483-A:1-a, I to read as follows:

I. Wherever the tide ebbs and flows, [it] *this chapter* shall apply to all lands submerged or flowed by mean high tide as locally determined, and, in addition, to those areas *within 100 feet of the highest observable tide line* which border on tidal waters, such as, but not limited to, banks, *upland areas*, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action [(including those areas now or formerly connected to tidal waters) whose surface is at an elevation not exceeding 3-1/2 feet above local mean high tide and upon which grow or are capable of growing some, but not necessarily all, of the following: salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), salt-marsh grass also known as cordgrass (*Spartina alterniflora*), saltworts (*Salicornia* spp.), sea lavender (*Limonium carolinianum*), salt-marsh bulrushes (*Scirpus maritimus*, var. *fernaldii* and *Scirpus paludosus*, var. *atlanticus*), sand spurrey (*Spergularia marina* and *Spergularia canadensis*), high-tide bush (*Iva frutescens*), spike rush (*Eleocharis parvula* and *Eleocharis halophila*), chairmaker's rush (*Scirpus americana*), bent grass (*Argostis palustris*), coast-blite (*Suaeda* spp.), orach (*Atriplex patula*), arrow-grass (*Triglochin maritima*) and seaside goldenrod (*Solidago sempervirens*) and any sand dune or vegetation thereon in the state of New Hampshire. "Sand dune", as used in this chapter, shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast. The occurrence and extent of salt-marsh peat at the undisturbed surface shall be evidence of the extent of jurisdiction hereunder within a salt-marsh].

2 New Paragraph; Definition; Sand Dune. Amend RSA 483-A:1-a by inserting after paragraph III the following new paragraph:

IV. "Sand dune" as used in this chapter, shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 149-FN, relative to operational permits for public water systems. Re-refer to Committee.

The Subcommittee on HB 149, after much discussion with the Office of Legislative Services, the Department of Environmental Services and Attorney General's Office, recommended re-referral to the full Committee. The Subcommittee understood the concerns by Water Supply and Pollution Control for increased staffing needed in the Division because of changes in the Federal Safe Drinking Water Act due to be implemented later this year. However, as the legislation required so much revision to clarify the program and fee system, the Committee felt it best to come back with a properly-drafted bill next session. Vote 11-3. Rep. Janet M. Conroy for Resources, Recreation and Development.

HB 202, requesting inventories of water access properties under the control of various departments. Inexpedient to Legislate.

The subject matter of this bill is included in the study outlined in HB 254. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 254-FN, establishing a study committee to determine ownership of lakes and ponds in the White Mountain National Forest. Ought to Pass with Amendment.

House Bill 254, as amended, sets up a study committee to examine issues relative to great ponds in the White Mountain National Forest, access to public waters and control and maintenance of public boat ramp sites. The Committee shall issue its findings and legislative recommendations by December 1, 1990. Vote 14-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to examine issues relative to the
great ponds in the White Mountain National Forest, access
to public waters, and control and maintenance
of public boat ramp sites.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established.

I. There is established a committee to study:

- (a) The ownership of great ponds in the White Mountain National Forest.
- (b) The public access to public waters.
- (c) The responsibility for control and maintenance of public boat launching ramps and adjacent parking areas.

II. The committee shall be composed of the following members:

- (a) Three members of the house of representatives, appointed by the speaker of the house.
- (b) Three members of the senate, appointed by the senate president.
- (c) The executive director of the department of fish and game, or his designee.
- (d) The director of the division of parks and recreation, department of resources and economic development, or his designee.
- (e) The commissioner of the division of public works, department of transportation, or his designee.
- (f) The director of the division of water resources, department of environmental services, or his designee.

III. The committee shall report its findings and recommendations for legislation to the governor, the senate president and the speaker of the house on or before December 1, 1990.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to examine issues relative to the great ponds within the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.

HB 344-FN-A, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor. Inexpedient to Legislate.

The Committee was sympathetic to the sponsor's concerns relative to rising lake levels resulting in property damage to cottage owners. However, it determined that investing \$25,000 for further studies of the Lake Massasecum area was not warranted.

It could foresee that more money for study would only produce remedies that were unacceptable because of their cost or environmentally unsound (dredging in a major wildlife marsh/wetland).

After reviewing the comments of the Corps of Engineers in 1987 and its alternative solutions and subsequent withdrawal from the problem/project, the Committee concluded that the town of Bradford should pursue a solution on its own initiative. Vote 16-1. Reps. Stacey W. Cole and MaryAnn Blanchard for Resources, Recreation and Development.

HB 409-FN, relative to licensing professional foresters. Re-refer to Committee.

While the Committee agreed that a good law to license foresters was needed, it was unanimously agreed that this bill deserved further study. A Subcommittee will be set up to work with the Director of Forests and Lands and others to develop legislation for the 1990 session. Vote 17-0. Rep. Howard C. Dickinson for Resources, Recreation and Development.

HB 427-FN-A, relative to public access to public waters and making an appropriation therefor. Inexpedient to Legislate.

The subject matter of this bill is included in the study outlined in HB 254. Vote 15-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 445, recodifying certain water laws. Ought to Pass with Amendment.

Chapter 202:27, Laws of 1986 established a joint legislative Committee for Recodifying the Water Laws of this State. This bill, as amended, is one of two parts of the Committee's efforts in fulfilling its statutory charge. The other part is a report highlighting 15 separate areas of water laws requiring substantive changes - areas of sufficient complexity to warrant separate pieces of legislation or further study. The amendment is a friendly amendment. It was worked out with Attorney Loretta Platt, counsel of the Committee; Attorney Dana Bisbie, Attorney General's Office; Attorney Mary Ellen Kiley, representing private sector interests; and members of the Committee. In a project of this scope, it is difficult to gather all threads together simultaneously. The amendment corrects citations, references, changes and straightens out penalties in some particularly Byzantine sections of the Division of Water Supply and Pollution Control Law. This bill, as amended, relocates Water Management and Protective statutes in one section - "Title L - Water Management and Protection." Vote 12-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the introductory paragraph of RSA 482:2 as inserted by section 1 of the bill by replacing it with the following:

Words and phrases used in this chapter shall mean and be construed as follows, except where a different meaning is clearly intended from the context:

Amend RSA 482:9, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall begin the construction or reconstruction of any dam until 10 days after he has filed with the division a statement of the height of the proposed dam and the location at which it is to be erected and such other information as the division may require.

Amend RSA 482:15, II and III, as inserted by section 1 of the bill by replacing them with the following:

II. Any person who violates any provision of this subdivision or any rule or order of the division shall, in addition to any other penalties, be liable in an action commenced in the name of the state for a civil forfeiture of not more than \$100 per day, for such violation, failure, neglect, refusal or any misstatement for which said person is personally responsible.

III. Each day of noncompliance shall constitute a separate offense. Such forfeiture may be levied by the superior court in connection with actions for injunctive relief commenced pursuant to paragraph IV of this section.

The proceeds of any civil forfeiture levied under this section shall be utilized in the enforcement of this subdivision.

Amend RSA 482:45 as inserted by section 1 of the bill by replacing it with the following:

482:45 Advisory Board; Approval of Facilities.

I. There shall be an advisory board to advise the division relative to the initiation of facilities under the provisions of this subdivision. The council on resources and development constituted by RSA 162-C:1 shall constitute such advisory board. The members of the advisory board shall serve without pay but their expenses shall be paid from the appropriation made for the purposes of this subdivision.

II. The division shall study and survey each facility and shall submit to the governor and council a report including a detailed description and plan of the facility and a detailed estimate of the total cost of the facility and of the funds which may be received from individuals, firms, corporations or municipal corporations for such facility. The governor and council, upon receiving such report, shall determine whether the proposed facility will be of public use and benefit and within the authority conferred upon the division. No facility under this subdivision shall be finally undertaken until the same is approved by the governor and council.

Amend RSA 482:46 as inserted by section 1 of the bill by replacing it with the following:

482:46 Application of Statutes. The provisions of RSA 481:1-19 and 21 shall apply to the facilities undertaken under the authority of this subdivision insofar as the same are not inconsistent with the provisions of this subdivision.

Amend the introductory paragraph of RSA 482:48, I as inserted by section 1 of the bill by replacing it with the following:

I. For a consideration of \$1, unless otherwise noted, the division is authorized to accept conveyance from the property owners the following described property for the purpose of improving and controlling certain water rights for the benefit of the state. The division after acquisition shall, from time to time, make repairs and modifications to the dams so acquired or rebuild them if required to best serve the interests of

the state. The properties the division is authorized to acquire for the benefit of the state shall be exempt from taxation as long as the properties are held by the state.

Amend RSA 482:48, II(g) as inserted by section 1 of the bill by replacing it with the following:

(g) The Kelley Falls dam on the Piscataquog river in the immediate vicinity of the Nazaire Biron Bridge in the city of Manchester in Hillsborough county, and the water rights, land, and other connected facilities. The grantor shall provide a suitable public access to the site of the conveyance and to the impoundment above the dam if none exists.

Amend RSA 482:49 as inserted by section 1 of the bill by replacing it with the following:

482:49 Acquisition Authorized; Department of Fish and Game.

I. For a consideration of \$1, the New Hampshire department of fish and game is authorized to accept conveyance and attendant easements from the owners of the following described properties for the purposes listed for each property.

II. The department of fish and game is authorized to rebuild and maintain said dams subject to specifications of the division. The funding for the construction shall be accomplished under the Dingell-Johnson federal aid program, P.L. 81-681, and any other available federal aid programs.

III. The properties the department of fish and game is authorized to acquire under this section for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

(a) To improve and control certain water rights for smelt spawning and for the fishing season for the benefit of the state, the 1/4 acres more-or-less abutting Lucas Pond in Northwood including the dam on the land necessary for the rebuilding of Lucas Pond dam. The department of fish and game is authorized to accept from any abutting landowners an easement to provide construction road access to the dam site.

(b) To improve and control certain water rights for the perpetuation of a re-claimed trout pond: the Whittemore Pond dam, listed as dam No. 22.01 in the files of the division and located in the towns of Bennington and Greenfield, Hillsborough county. The department of fish and game shall obtain other attendant easements which may be necessary to provide access for the purpose of maintenance or repair of said dam but not for the purpose of public access. In addition to the funding under paragraph II, funding for repairs to Whittemore Pond dam shall be accomplished by public or private donations.

(c) To improve and control certain water rights, from the owner of a certain parcel of land surrounding a dam site across Jones Brook, otherwise located on state-owned land known as the Jones Brook wildlife management area, in the town of Middleton, county of Strafford, and state of New Hampshire, and further described as follows: Commencing at a point 75 feet due west of the northwest corner of the emergency spillway for the impoundment, said point being the point of beginning; thence due north 50 feet; thence due east 750 feet; thence due south 250 feet; thence due west 750 feet; thence northerly 200 feet to the point of beginning.

Amend RSA 482-A:2 as inserted by section 1 of the bill by deleting paragraphs IV, VI, and VII and renumbering paragraphs V, VIII, and IX to read as IV, V, and VI, respectively.

Amend RSA 482-A:11, II as inserted by section 1 of the bill by replacing it with the following:

II. Decisions of the board under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the board may require reasonable proof of ownership by a private landowner-applicant. If a permit is granted, the decision of the board may contain reasonable conditions designed to protect the public good. No permit to dredge or fill shall be granted if it shall infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.

Amend RSA 482-A:17 as inserted by section 1 of the bill by replacing it with the following:

482-A:17 Grant of Right. The governor and council, upon petition and only upon the recommendation of the wetlands board, may, for just consideration, grant to an owner of shoreline on public waters the right to place fill in the bed of such pond before his shoreline. Every petition to place fill in the bed of public waters shall be filed with the wetlands board. The board, after 30 days' notice to abutters, to the local legislative body of the municipality in which the property is situated, and to the division of public health services of the department of health and human services, shall hold a public hearing at which a majority of the members of the wetlands board shall be present. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation in the municipality, and notice posted in 2 public places in the municipality, and upon appropriate investigation shall make its recommendations to the governor and council with regard to such petition. If the board recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be filled by the petitioner. The grant of the governor and council shall be evidenced by an instrument in writing, executed by the governor and council, attested by the secretary of state, and recorded in the county where the right is to be exercised. Land created by fill in accordance with the grant of the governor and council shall belong to the owner of the natural shoreline as if it were formed by natural accretion. The owner of a shoreline on a public-owned water body may petition the wetlands board for the right to place fill below the artificially created high water level of a public-owned water body to the extent that the flowage rights owned by the state allow.

Amend RSA 482-A:21, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Projects classified as minor or minimum impact under rules adopted by the wetlands board under RSA 482-A:11 which exclusively involve excavation or dredging within a great pond, and no other associated major project activities requiring a permit pursuant to RSA 482-A.

Amend RSA 482-A:22 as inserted by section 1 of the bill by replacing it with the following:

482-A:22 Grant of Right. The governor and council, upon petition and upon the recommendation of the wetlands board, may, for just consideration, grant to an owner of a shoreline on public waters the right to excavate, remove, or dredge any bank, flat, marsh, swamp or lake bed before his shoreline. Every petition to excavate or dredge said areas shall be filed with the wetlands board. The board, after 30 days' notice to

abutters, the local legislative body of the municipality in which the property is situate, and the division of public health services of the department of health and human services shall hold a public hearing at which a majority of the members of the wetlands board shall be present. Notice of the hearing shall be published twice in 2 different weeks, the last publication to be 7 days before the hearing, in one newspaper of general circulation throughout the state and another newspaper of general circulation in the municipality. The notice shall also be posted in 2 public places in the municipality. Upon appropriate investigation the board shall make its recommendations to the governor and council with regard to such petition. If the board recommends that the petition be granted, in whole or in part, such recommendation shall include appropriate specifications and conditions necessary to the protection of public rights and to the protection of the rights and privileges of persons owning land in the vicinity of the area to be excavated or dredged by the petitioner.

Amend RSA 482-B:3, I, as inserted by section 1 of the bill by replacing it with the following:

I. There is created a board to be known as the New Hampshire water well board. The water well board shall be administered by the commissioner of environmental services. The board shall consist of 6 members who are residents of the state, appointed by the governor with the advice and consent of the council as follows: one member shall be the director, division of water resources, department of environmental services, or his designee; one shall be the state geologist; 2 shall be active water well contractors with at least 10 years of experience; one shall be an active pump installer with at least 10 years of experience; and one shall be a member of the public who has demonstrated concern for and knowledge of water resources management in New Hampshire. Each member shall hold office for a term of 5 years and until his successor is appointed and qualified; provided, however, that the original appointments shall be as follows: the member of the public for a 2-year term; one water well contractor for a 3-year term; one water well contractor for a 4-year term; and the pump installer for a 5-year term. Appointments to fill vacancies shall be for the unexpired term. The governor and council may remove any member of the board for good cause.

Amend RSA 483:11, II as inserted by section 1 of the bill by replacing it with the following:

II. Criteria for acceptance of nominations by the commissioner, including criteria listed in RSA 483:6, V.

Amend the introductory paragraph of RSA 485:1 as inserted by section 1 of the bill by replacing it with the following:

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings:

Amend RSA 485:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The fees required under paragraph III shall be for reviewing such detailed plans and making site inspections as may be necessary. The fee shall be paid at the time said detailed plans are submitted and shall be deposited with the state treasurer as unrestricted revenue. The division shall establish by rule, adopted pursuant to RSA 541-A, a minimum threshold below which no fee is required and a maximum level above which the fee will not increase.

Amend RSA 485:16 as inserted by section 1 of the bill by replacing it with the following:

485:16 Penalty. Whoever violates any of the provisions of RSA 485:8-13, but not RSA 485:8, II, or fails to comply with the lawful orders and requirements of the division duly made pursuant to those sections, or whoever hinders or obstructs any inspector in the pursuit of his lawful duty in respect to such sections, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Amend RSA 485:39 as inserted by section 1 of the bill by replacing it with the following:

485:39 Penalty. Whoever violates any provision of RSA 485:37 or RSA 485:38 shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

Amend RSA 485:58, II-V as inserted by section 1 of the bill by replacing them with the following:

II. Any knowing violation of any provision of RSA 485:8, II; 31; 42; 43; 46; or 48 of this chapter, any rule adopted under RSA 485:2, 3, 40, 41, 44 or 47, any term or condition of an approval, exemption, variance or order issued under RSA 485:8, II; 31; 42; 43; 46; or 48, or any misstatement of a material fact required to be disclosed under such sections shall constitute a misdemeanor for a natural person and a felony for any other person.

III. Any person who violates any provision of RSA 485:8, II; 31; 42; 43; 46; or 48, any rule adopted under RSA 485:2, 3, 40, 41, 44, or 47, or any term or condition of an approval, exemption, variance or order issued under RSA 485:8, II; 31; 42; 43; 46; or 48 shall be liable to the state, upon suit brought by the attorney general, for a civil forfeiture in an amount not to exceed \$25,000 for each day of such violation.

IV. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision set forth in paragraph III of this section. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 21-O:14. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

V. Any act or failure to act in violation of RSA 485:8, II; 31; 42; 43; 46; or 48; or any rule adopted under RSA 485:2, 3, 40, 41, 44, or 47 may be enjoined.

Amend RSA 485:59 as inserted by section 1 of the bill by replacing it with the following:

485:59 Appeals. Actions of the division under RSA 485:1-3; 8, II; 31; 41-44 or 46-48 may be appealed under RSA 21-O:14.

Amend RSA 485-A:1 as inserted by section 1 of the bill by replacing it with the following:

485-A:1 Declaration of Purpose. The purpose of this chapter is to protect water supplies, to prevent pollution in the surface and ground waters of the state and to prevent nuisances and potential health hazards. In exercising any and all powers conferred upon the division of water supply and pollution control under this chapter, the division shall be governed solely by criteria relevant to the declaration of purpose set forth in this section.

Amend RSA 485-A:2, V as inserted by section 1 of the bill by replacing it with the following:

V. "Ground waters" shall mean all areas below the top of the water table, including aquifers, wells and other sources of ground water.

Amend RSA 485-A:3 as inserted by section 1 of the bill by replacing it with the following:

485-A:3 Policies. It is hereby declared, as a matter of legislative intent, that the division shall, in the administration and enforcement of this chapter, strive to provide that all sources of pollution within the state shall be abated within such times and to such degrees as shall be required to satisfy the provisions of state law or applicable federal law, whichever is more stringent. To the extent not inconsistent with the foregoing nor the aims of any joint state-federal permit program that may from time to time be agreed upon and in force pursuant to this chapter and applicable federal law, the division shall adhere to the following policies:

I. Insofar as practicable, the initial objective of the control program will be to obtain the installation of primary treatment (with adequate disinfection where sewage discharges are involved) for all discharges of sewage and industrial wastes.

II. The second objective will be to require the installation of secondary treatment whenever such additional treatment is necessary to protect the uses assigned to the particular stream classification.

III. The third objective, after all stream classification requirements throughout the state have been satisfied, will be to continue the program of pollution abatement by installing other forms of treatment desirable to maintain all surface waters of the state in as clean a condition as possible, consistent with available assistance funds and technological developments.

IV. Until such time as appropriate methodology and reasonable levels of financial assistance are made available, municipalities with combined sewer systems shall not be required to provide treatment facilities with capacity greater than that necessary to handle anticipated peak dry weather flows.

Amend 485-A:5, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Pretreatment standards or effluent limits adopted by a municipality as part of its sewer use ordinance or industrial pretreatment program and approved by the division shall be enforceable by the division as pretreatment standards established under RSA 485-A:4, XV and rules adopted under RSA 485-A:6.

Amend the introductory paragraph of RSA 485-A:8 as inserted by section 1 of the bill by replacing it with the following:

For purposes of classification there shall be 3 classes or grades of surface waters as follows:

Amend RSA 485-A:8, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Notwithstanding anything contained in this chapter, the division in submitting classifications relating to interstate waters to the New England Interstate Water Pollution Control Commission for review and approval, as provided for under the terms of Article V of the compact whereby the interstate commission was created by RSA 484, shall submit such classifications in accordance with the standards of water quality as currently adopted by said interstate water pollution control commission provided, however, that the standards for any classification thus submitted for review and approval shall not be less than, nor exceed the standards of the classification duly adopted by the General Court as provided for in RSA 485-A:9 or 10.

Amend RSA 485-A:8, VII as inserted by section 1 of the bill by replacing it with the following:

VII. All tests and sampling for the purposes of examination of waters shall be performed and carried out in a reasonable manner and whenever practicable, in accordance with the current edition of the Standard Methods for Examination of Water and Sewage as published jointly by the American Public Health Association and the American Water Works Association. Near saturation for dissolved oxygen shall mean a dissolved oxygen content of at least 75 per centum of saturation. The waters in each classification shall satisfy all the provisions of all lower classifications. The minimum treatment for the lowest classification shall be as follows:

(a) For sewage, primary treatment and disinfection resulting in substantially complete disinfection and removal of all settleable and floatable material.

(b) For industrial wastes, such treatment, not to exceed primary treatment or its equivalent, as the division shall determine. Appeal from any such determination shall be in the manner provided for in RSA 21-O:7, IV.

Amend RSA 485-A:13, I(a) as inserted by section 1 of the bill by replacing it with the following:

I.(a) It shall be unlawful for any person or persons to discharge or dispose of any sewage or waste to the surface water or ground water of the state without first obtaining a written permit from the division of water supply and pollution control. Applications for permits shall be made upon forms prescribed by the division of water supply and pollution control and shall contain such relevant information as the division of water supply and pollution control may require. The division of water supply and pollution control shall include in such permits effluent limitations, which may be based upon economic and technological factors, upon the classification enacted by the legislature, upon the projected best use of the surface water downstream or upon the requirements of the Federal Water Pollution Control Act as amended from time to time, and all regulations, guidelines and standards promulgated thereunder, whichever provides the most effective means to abate pollution. The division of water supply and pollution control may also prescribe such other reasonable conditions as may be necessary or desirable in order to fulfill the purpose of this chapter or applicable federal law. Such permits may contain, in the case of sources not in compliance with such effluent limitations at the time the permit is issued, compliance schedules, in-

cluding interim requirements necessary or desirable in order to fulfill the purposes or requirements of this chapter, and any such compliance schedules may be imposed without regard to the time limits for abatement of pollution referred to in paragraph II of this section and shall be consistent with the purposes and requirements of applicable federal law. The division of water supply and pollution control may prescribe a monitoring program to be performed by the applicant with periodic reports to the division of water supply and pollution control, including, where appropriate in terms of the nature of the effluent, continuous monitoring. Permits shall be issued for a fixed term, not to exceed 5 years. The division of water supply and pollution control may revise, modify or suspend in whole or in part or terminate any permit, following hearing, upon a finding that just cause exists for such action. Further, whenever in its judgment the purposes of this chapter will be best served, the division of water supply and pollution control may require as a condition to the granting of such permits that either the ownership and operation of the collection and treatment facilities involved be vested in the municipality or any subdivision thereof in which the system is located, if said municipality by legal action agrees thereto, or such other reasonable conditions as will ensure continuous and continuing operation and maintenance of the facilities. No permit shall be granted to utilize the entire assets of the surface water, or in any other case in which the division of water supply and pollution control determines that the grant of a permit would be inconsistent with the purposes of this chapter. Any determination by the division of water supply and pollution control under this paragraph shall be subject to appeal as provided for in RSA 485-A:19.

Amend RSA 485-A:14 and 15 as inserted by section 1 of the bill by replacing them with the following:

485-A:14 Prohibited Acts.

I. The lawful owner of any petroleum powered vehicle that becomes partially or completely submerged in the surface waters of the state shall remove the vehicle from the water as soon as safety and weather conditions permit. Petroleum powered vehicles include, but are not limited to, cars, trucks, motorcycles, snowmobiles, motorized boats, and airplanes.

II. For any violation of this section, the department of safety shall be notified to investigate and follow through the safe removal of the vehicle from the body of water involved and shall also notify the division of water supply and pollution control to determine if there is any possible contamination.

III. The requirement of paragraph I shall apply to vehicles submerged in surface waters, such as vehicles which fell through the ice or skidded off the road.

IV. If the person or persons responsible for a violation of paragraph I refuse or fail to obey the order for removal, the proper authorities may contract for the removal of the vehicle in question and the cost of the removal shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state.

V. Any person responsible for a violation of this section shall be guilty of a violation.

485-A:15 Penalties.

I. It shall be unlawful for any person to put or place, or cause to be put or placed into a surface water of the state or on the ice over such waters, or on the banks of such waters, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or parts thereof, trees, or similar litter.

II. For any violation of this section any authorized member or agent of the division of water supply and pollution control shall order the immediate removal of material involved in the violation, by the person responsible for the material in question.

III. If the person or persons responsible for a violation of paragraph I refuses or fails to obey the order of any authorized member or agent of the division of water supply and pollution control, the division of water supply and pollution control or authorized member or agency may contract for the removal of the material in question and the cost of the removal shall be recoverable by the state in an action of debt brought by the attorney general in the name of the state.

IV. Any person responsible for a violation of paragraph I shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

Amend RSA 485-A:17 as inserted by section 1 of the bill by replacing it with the following:

485-A:17 Terrain Alteration. Any person proposing to dredge, excavate, place fill, mine, transport forest products or undertake construction in or on the border of the surface waters of the state, and any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede the natural runoff or create an unnatural runoff, shall be directly responsible to submit to the division detailed plans concerning such proposal and any additional relevant information requested by the division, at least 30 days prior to undertaking any such activity. The operations shall not be undertaken unless and until the applicant receives a permit from the division. The division shall have full authority to establish the terms and conditions under which any permit issued may be exercised, giving due consideration to the circumstances involved and the purposes of this chapter, and to adopt such rules as are reasonably related to the efficient administration of this section, and the purposes of this chapter. Nothing contained in this section shall be construed to modify or limit the duties and authority conferred upon the division of water resources under RSA 482 and RSA 482-A.

Amend RSA 485-A:22, I-III as inserted by section 1 of the bill by replacing them with the following:

I. Any person who willfully or negligently violates any provision of this subdivision or RSA 485-A:5; or any rule of the division adopted pursuant to this subdivision or RSA 485-A:4-6 or any condition or limitation in a permit issued under this subdivision or RSA 485-A:5; or who knowingly makes any material false statement, representation or certification in any application, record, report, plan or other document required to be filed or maintained pursuant to this subdivision or RSA 485-A:5 or pursuant to a rule adopted by the division under this subdivision or RSA 485-A:4-6 or who knowingly makes any such statement, representation or certification in connection with any permit issued under this subdivision or RSA 485-A:5; or who knowingly renders inaccurate, falsifies or tampers with any monitoring device or method required under this subdivision or RSA 485-A:5 or rule of the division adopted under this subdivision or RSA 485-A:5 or required in connection with any permit issued under this subdivision or RSA 485-A:5; or who knowingly fails, neglects or refuses to obey any lawful order of the division, shall, notwithstanding the provisions of RSA title LXII, be punished by a fine of not more than \$25,000 for each day of such violation or imprisoned for not more than 6 months or both.

II. Any person who shall violate any provisions of this subdivision or RSA 485-A:5, or any lawful regulation of the division issued pursuant to this subdivision or

RSA 485-A:4-6, or any condition or limitation in a permit issued under this subdivision or RSA 485-A:5 or who shall fail, neglect or refuse to obey any order lawfully issued pursuant to this subdivision or RSA 485-A:5 shall be subject to a civil penalty not to exceed \$10,000 per day of such violation.

III. The division shall issue a written cease and desist order against any discharge or act in violation of this subdivision or RSA 485-A:5 or lawful regulation of the division made under them or any condition of any permit lawfully issued by the division, and any such discharge or act may be enjoined by the superior court upon application of the attorney general, whether the court is in term time or vacation. Municipalities shall comply with such orders pursuant to RSA 38:14-a.

Amend the introductory paragraph of RSA 485-A:22, V as inserted by section 1 of the bill by replacing it with the following:

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision or RSA 485-A:5. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the division in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

Amend RSA 485-A:36, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall engage in the business of installing subsurface sewage or waste disposal systems under this subdivision without first obtaining an installer's permit from the division. The permit holder shall be responsible for installing the subsurface sewage or waste disposal system in accordance with the intent of the approved plan. The division shall issue an installer's permit to any person who submits an application provided by the division, pays a fee of \$25 and demonstrates a sound working knowledge of RSA 485-A:29-35 and the ability to read approved waste disposal plans. The division shall require an oral or written examination or both to determine who may qualify for an installer's permit. Individuals who have been actively engaged in the business of installing systems for at least 12 months prior to January 1, 1980, shall not be required to submit to such examination, but shall be issued a permit upon filing an application and paying the initial fee, if application is made before June 30, 1980. Permits shall be issued from January 1 and shall expire December 31 of each year. Permits shall be renewable upon proper application and payment of an annual fee of \$25. The installer's permit may be suspended, revoked or not renewed for just cause, including, but not limited to, the installation of waste disposal systems in violation of this subdivision or the refusal by a permit holder to correct defective work. The division shall not suspend, revoke or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the division. An appeal from such decision to revoke, suspend or not renew a permit may be taken pursuant to RSA 21-O:14. All fees shall be deposited with the state treasurer as unrestricted revenue.

Amend RSA 485-A:40, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Within 30 days after the application for reconsideration is denied, or if the application is granted, then within 30 days after the decision on such reconsideration, the applicant may appeal by petition to the superior court.

Amend RSA 485-A:40 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraphs and renumbering the original paragraphs V, VI, and VII to read XI, XII, and XIII, respectively:

V. Upon the hearing, the burden of proof shall be upon the party seeking to set aside the decision of the division to show that the same is unreasonable or unlawful, and all findings of the division upon all questions of fact properly before it shall be deemed to be prima facie lawful and reasonable; and the order or decision appealed from shall not be set aside or vacated, except for errors of law, unless the court is persuaded by the balance of probabilities, on the evidence before it, that the decision is unjust or unreasonable.

VI. Any person whose rights may be directly affected by said appeal may appear and become a party, or the court may order such persons to be joined as parties as justice may require.

VII. Upon the filing of an appeal, the clerk of court shall issue an order of notice requiring a certified copy of the record appealed from to be filed with the court. The filing of an appeal shall not suspend the decision appealed from, unless the court, on application and for good cause shown, shall grant a restraining order.

VIII. All evidence transferred by the division shall be, and all additional evidence received may be, considered by the court regardless of any technical rules which might have rendered the same inadmissible if originally offered in the trial of an action at law.

IX. The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the decision complained of in whole or in part, as the case may be; but in case such decision is wholly or partly vacated the court may also, in its discretion, remand the matter to the division for such further proceedings, not inconsistent with the decree, as justice may require.

X. An order of court to send up the record may be complied with by filing either the original papers or duly certified copies, or of such portions of such papers, as the order may specify, together with a certified statement of such other facts as show the grounds of the action appealed from.

Amend the bill by replacing sections 32-33 with the following:

32 Rules; Citation Changes. Notwithstanding RSA 541-A, the department of environmental services shall, upon passage of this act, file with the director of legislative services a compilation of the changes to rules which reflect changes in citations referred to in such rules only. Such changes shall be integrated into the rules and such amendments to the rules shall become effective when notice of these technical changes is published by the director of legislative services in the rulemaking register. The changes authorized by this section shall not affect the expiration date of any rule.

33 Authority to Conform Laws.

I. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1989 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1989 session laws.

II. Subject to the approval of the speaker of the house and the president of the senate, the director of legislative services is hereby authorized to integrate into the appropriate place in RSA 481-A through RSA 489-B any provisions of RSA's which are recodified by this act, which are amended, repealed or inserted by other acts passed in the 1989 session of the general court. No substantive changes may thereby be made, and such authority shall expire upon the printing of the 1989 session laws.

Amend paragraph XVII as inserted by section 34 of the bill by replacing it with the following:

XVII. RSA 481:29, 30, 31, 32-a, and 33, relative to dam maintenance.

HB 481, requiring plumbing systems in new construction to meet certain requirements. Inexpedient to Legislate.

The Committee felt the technology had not been perfected that would prevent the possibility of harmful bacterial growth causing serious health problems. Vote 17-0. Rep. Stacey W. Cole for Resources, Recreation and Development.

HB 515, relative to liability for underground storage facility violations. Inexpedient to Legislate.

The substance of this bill is already adequately covered in existing statutes and the Committee feels that there is no need for additional legislation. Vote 11-0. Rep. Stephen G. Avery for Resources, Recreation and Development.

HB 547, revising the definition of "dam." Inexpedient to Legislate.

This bill was introduced to correct a problem with a railroad culvert caused by a 150 year flood, so-called, in the town of Mason. However, the effect of the bill was wide-ranging, for it would remove state responsibility to insure public safety as regards approximately 2,000 dams in the state. It would give communities the responsibility for these dams without making provisions for any standards or guidelines for safety or qualified personnel to carry out the program. Vote 15-0. Rep. Stacey W. Cole for Resources, Recreation and Development.

HB 582-FN, relative to a committee to review surface water use restrictions on the public waters of the state. Ought to Pass with Amendment.

Under current law, only the Director of Safety Services can rule on citizen petitions requesting restrictions on surface water use. Usually, however, the petitions are initiated for reasons other than safety. Wildlife, water pollution and recreational aspects — all areas outside the scope of knowledge of the Department of Safety — are prime reasons for restrictions. Clearly, the current system of decision-making is not working; witness the introduction of more than 60 bills calling for restrictions on lakes that are clogging the legislative system at a high price to taxpayers.

House Bill 582 expands the decision-making from a single person to a well-rounded Committee of five. The Committee feels strongly that the broad spectrum of interests be represented to evaluate petitions fairly and that decisions affecting our lakes not be made by a single person. Vote 16-0. Rep. Steven R. Maviglio for Resources, Recreation and Development.

Amendment

Amend RSA 270:12, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established a 5-member committee to review the petitions received for surface water use restrictions on the public waters of the state. The committee shall consist of the director, division of safety services, department of safety; the executive director of the department of fish and game, or his designee; the commissioner of the department of environmental services, or his designee; the director, office of state planning, or his designee; and a member of the scientific community of the University of New Hampshire. The director of the division of safety services shall serve as committee chairman and the committee shall meet at the call of the chairman. Three members shall constitute a quorum.

HB 661-FN, relative to notification to downstream municipalities concerning effluent discharges. Ought to Pass with Amendment.

Upon passage of this bill as amended, the Division of Water Supply and Pollution Control shall notify downstream communities (25 air miles): (a) when any permit to discharge is issued; (b) when any violation occurs, such as discharge of effluent that may be detrimental to water quality or shoreline environment. The Committee, in the amendment, also requests the Division to report back by 9/30/89, making recommendations for legislation, if necessary, establishing downstream emergency notification procedures in the event of sewage system failures which may result in discharge. Vote 11-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Duties of Division of Water Supply and Pollution Control. Amend RSA 149:4 by inserting after paragraph XVIII the following new paragraph:

XIX. To provide the following notice:

(a) To give notice by first-class mail to the selectmen or conservation commission of all municipalities located within 25 air miles downstream of any point of discharge or point of potential discharge. The notice shall be sent when an application is made for a permit from the division.

(b) To give prompt notice to all municipalities located within 25 air miles downstream when the division is notified of a violation relative to the discharge of any effluent that may be detrimental to either the purity of the water or the contiguous shoreline or riverbank environment.

2 The director of the division of water supply and pollution control shall prepare and file a report with the president of the senate and the speaker of the house on or before September 30, 1989, making recommendations for legislation establishing downstream emergency notification procedures in the event of sewage system failures which may result in discharge.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the division of water supply and pollution control, department of environmental services, to give notice to downstream municipalities when a permit is given or a violation is discovered relative to the discharge of any effluent that may be detrimental to either the quality of the water or the contiguous shoreline environment. The bill also requires the division to submit a report on proposed emergency procedures for sewage system failures.

HB 753-FN, relative to logging laws and forest resources. Inexpedient to Legislate.

After the Subcommittee looked at the bill and the testimony, plus looking at the current Maine clear-cut laws, the Committee discovered that the State of New Hampshire already has a clear-cut law on the books that works 98% of the time with no public outcry. The Committee feels that the reason this bill was brought forth is that one clear-cut in the north country has extremely high visual impact. Therefore, the Committee finds this bill Inexpedient to Legislate. Vote 13-0. Rep. Allen R. Wiggin for Resources, Recreation and Development.

HB 278-FN-A, relative to inclusion of certain costs in the public utility rate base under the anti-CWIP statute. Inexpedient to Legislate.

The Committee received no substantive testimony in support of the limited CWIP allowances and restrictions provided in the bill, nor constructive proposals for amendment of them. The intent of one proposed amendment, to exempt some municipal utilities presently affected by the anti-CWIP statute, was found to be more appropriately addressed in another bill (HB 706) before the Committee. Vote 10-0. Rep. Paul M. Tyree for Science, Technology and Energy.

HB 411-FN-A, requiring the public utilities commission to study regional electric utility alternatives and making an appropriation therefor. Inexpedient to Legislate.

The Public Utilities Commission already has the statutory authority to do this study, and may consider it once its biennial appropriation is finalized. Similar studies have been done in other New England states and results are readily available to anyone who may be interested. Fiscal Note would call for state expenditures of \$50,000 in FY90 and \$50,000 in FY91. Vote 10-0. Rep. Susan S. Spear for Science, Technology and Energy.

HB 708, relative to the Free Trade Agreement between the United States and Canada. Ought to Pass with Amendment.

The Committee heard testimony by the Secretary of State strongly supporting passage of this piece of legislation. This essentially extends to the State of New Hampshire the "Free Trade Policy" as signed by the United States and Canadian governments. The bill also promotes business, labor, and trade opportunities with Canada. Vote 18-0. Rep. George N. Katsakiores for State-Federal Relations.

Amendment

Amend RSA 293-A:114-a as inserted by section 2 of the bill by replacing it with the following:

293-A:114-a Trade Agreement with Canada. Under RSA 5:15-a and in accordance with the provisions of the Free Trade Agreement between the United States and Canada, the department of state shall provide any corporate registration information required by this chapter necessary to obtain a certificate of authority for a Canadian corporation to do business in this state.

HCR 2, declaring a New Hampshire Scottish Heritage Week. Ought to Pass.

This is a fine example of a House Concurrent Resolution that not only will honor those of Scottish Heritage, but will further allow their friends and others to participate in the enjoyable and educational week-long festivities that are held in this state. Vote 14-0. Rep. William R. Matson for State-Federal Relations.

HCR 3, petitioning the United States Congress for a national recycling policy. Ought to Pass.

A practical suggestion to the Congress of the United States to address the solid waste problems in the country and give strong guidance to the States to assist in getting a hand on the serious problems of solid waste disposal. Recycling is one step. Vote 14-0. Rep. William R. Matson for State-Federal Relations.

HB 248-FN, establishing a study committee on deinstitutionalization in New Hampshire. Ought to Pass with Amendment.

The Committee agrees with the sponsors' view that there appear to be mentally ill persons who have not adapted to deinstitutionalization, i.e. 30% of the homeless in New Hampshire have been identified as mentally ill. The Committee further agrees that the establishment of a study committee is necessary to address this issue. The bill was amended to include Committee members who represent a family member of the mentally ill and an advocacy group. Vote 17-0. Rep. Jennifer G. Soldati for State Institutions and Housing.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Statement of Purpose. The general court recognizes that there is a need to review the current laws relating to deinstitutionalization and to develop recommendations for legislation that address the needs of the mentally ill while preserving the safety and welfare of the public.

2 Committee Established; Membership. There is established a committee to study the deinstitutionalization process and whether it is working for both the public and the mentally ill. The committee membership shall be as follows:

I. Two members of the house of representatives, or their designees, appointed by the speaker of the house.

II. Two members of the senate, or their designees, appointed by the president of the senate.

III. One family member of a mentally ill person, appointed by the governor.

IV. One public member appointed by the governor.

V. The director of the division of mental health and developmental services or his designee.

VI. One member from the Disability Rights Center, Inc., designated by the center.

VII. One member from the New Hampshire community mental health services, designated by such organization.

AMENDED ANALYSIS

This bill establishes a committee to study the issue of deinstitutionalization and whether it is working for both the public and mentally ill persons. The bill requires the committee to submit its report to the speaker of the house, the president of the senate and the governor no later than December 1, 1989, with its proposals for legislation for the 1990 legislative session.

HB 40, relative to intrastate motor carriers. Ought to Pass with Amendment.

At the present time, there are minor differences in the requirements for the licensing of truck drivers who operate intrastate and those who operate the interstate routes. Passage of this bill will require the intrastate drivers to take all the tests required of the other group. These will include written tests, road tests and physical examinations.

The intrastate drivers will then be operating legally when they may make short trips across state lines. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 266:72-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The drivers of all vehicles subject to the motor carrier rules who operate exclusively in intrastate commerce shall be subject to the medical examination, written tests, and road tests required by 49 C.F.R. section 391.41, as amended, provided, however, that the commissioner may waive the provisions of the medical examination for any such driver who has a valid commercial driver's license issued by this state on or after January 1, 1990, if it would not jeopardize public safety to grant such a waiver. The commissioner may adopt rules pursuant to RSA 541-A relative to standards for the granting of such waivers.

AMENDED ANALYSIS

This bill requires all drivers of vehicles subject to motor carrier rules who operate exclusively in intrastate commerce to have a medical examination and to take written tests and road tests as required by federal regulations.

The commissioner of safety may waive the medical examination requirement for drivers of intrastate commercial motor vehicles who hold a valid commercial driver's license on or after January 1, 1990, if public safety would not be jeopardized.

HB 104-FN, relative to common and contract carriers. Ought to Pass with Amendment.

The bill, as amended, seeks to clarify the definitions of "common" carriers and "contract" carriers and makes regulations controlling the two groups clearer. Adjustment is made in the fee schedule for registration. Clarification of the penalty provisions for violation of rules governing the carriers is expanded. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the bill by replacing sections 8 and 9 with the following:

8 Reference to Permit Added. Amend RSA 375-A:17 to read as follows:

375-A:17 Vehicles To Be Registered. Each household goods carrier holding a certificate *or permit* under the provisions of this chapter shall annually apply to the department of safety, division of motor vehicles, on blanks to be furnished by it, for the registration of each vehicle operated under the provisions of such certificate *or permit* and pay to said department fees as provided for in RSA 375-A:18. Upon receipt of such application and fee, a distinguishing number plate or plates and registration certificate shall be furnished by the division for such vehicle applied for, and said plates shall be prominently displayed on the vehicle in such manner as the director of the division shall prescribe. Registration certificates and number plates issued under the provisions of this section shall be used coincidental with, and shall expire with, the corresponding registration certificate and number plates issued by the division of motor vehicles, department of safety, of this state.

9 Common or Contract Carrier of Household Goods. RSA 375-A:18 is repealed and reenacted to read as follows:

375-A:18 Fees. The following fees shall be paid:

I. To the department:

(a) For each application for a common or contract carrier of household goods certificate under RSA 375-A:3 or permit under RSA 375-A:4-a, \$50.

(b) For the annual registration of each vehicle used in the carriage of household goods, \$10.

(c) For each transfer of a registration certificate, \$1.

II. The department of safety, division of motor vehicles, shall deduct from the fees received under subparagraphs (b) and (c) of paragraph I the actual cost of issuing such registration certificates and number plates and shall forward the balance to the department to be used by it in the administration of this chapter.

Amend the bill by replacing section 12 with the following:

12 Common Carrier Defined. RSA 375-B:2, IV is repealed and reenacted to read as follows:

IV. "Common carrier" shall mean a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.

Amend the bill by replacing section 24 with the following:

24 Contract Carrier Defined. RSA 375-B:2, VII is repealed and reenacted to read as follows:

VII. "Contract carrier" shall mean a person providing motor vehicle transportation for compensation under continuing agreements with one or more persons:

(a) By assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

(b) Designed to meet the distinct need of each such person.

25 Effective Date. This act shall take effect July 1, 1989.

Referred to Appropriations.

(Regular Calendar)

(Deputy Speaker Burns in the Chair)

HB 762-A, making supplemental appropriations for fiscal year 1989. Ought to Pass with Amendment.

This bill solves two problems: (1) The need to appropriate additional funds for the current year for certain state programs, including foster care, settlement, and school building aid; (2) The projected revenue shortfall in the current year. The bill is similar to SB 4-A as agreed to by the Conference Committee but also includes the transfer of \$10.7 Million from the Sweepstakes Special Fund to fund foundation aid. As a result a similar amount of general funds are made available to fund the other pressing needs. The bill also lapses the balance in the Capital Reserve Fund into the General Fund.

The Committee amendment will return some funds to the Sweepstakes fund should current projections be wrong and a surplus occur at the end of the year. The amendment also includes transfers within the Liquor Commission budget to allow the opening of a liquor store in Manchester.

Enactment of this bill is imperative to provide the needed \$17.6 Million appropriations as soon as possible. Vote 12-7. Rep. Douglas Hall for Appropriations.

Amendment

Amend PAU 02, 13, 04, 02, 01 as inserted by section 2 of the bill by replacing it with the following:

02	ADMINISTRATION OF JUSTICE & PUBLIC PROTECTION	
13	LIQUOR COMMISSION	
04	MERCHANDISING	
02	STORES	
01	STORES	
	22 RENT & LEASE OTHER THAN STATE	134,276
	46 CONSULTANTS	35,825
	90 RELOCATION	670,589
	98 RELOCATION *	38,319
	TOTAL	879,008
	ESTIMATED SOURCE OF FUNDS FOR STORES	
	GENERAL FUND	879,008
	TOTAL	879,008
02	ADMINISTRATION OF JUSTICE & PUBLIC PROTECTION	
13	LIQUOR COMMISSION	
05	WAREHOUSE	
	46 CONSULTANTS	25,000
	TOTAL	25,000
	ESTIMATED SOURCE OF FUNDS FOR WAREHOUSE	
	GENERAL FUND	25,000
	TOTAL	25,000

Amend the bill by replacing section 23 with the following:

23 Transfer from General Fund Surplus Account. At the close of fiscal year 1989 and after satisfying the requirements of RSA 9:13-e, the comptroller shall transfer funds in the general fund surplus account not to exceed \$10,718,312 to the sweepstakes special fund.

24 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Robinson offered an amendment and spoke to her amendment.

Amendment

Amend the bill by deleting section 21 and renumbering sections 22-23 to read as 21 and 22, respectively.

Reps. Scamman, Douglas Hall and Hager spoke against the amendment and yielded to questions.

Reps. Marilyn Campbell and Chambers spoke in favor of the amendment.

Rep. Palumbo moved that debate be limited.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 132

NAYS 233

YEAS 132
BELKNAP

Hawkins, Robert S.
White, James J.

Maviglio, Steven R.

Richardson, Lawrence

CARROLL

Daly, Robert J., Jr.

CHESHIRE

Barber, Robert E., Jr.
 Delano, Robert F.
 LaMar, David M.
 Spear, Susan S.

Blacketor, Paul G.
 Doucette, Richard F.
 Matson, William R.

Cole, Kenneth A.
 Foster, Katherine D.
 Pratt, Irene A.

COOS

Guay, Lawrence J.
 Theriault, Romeo J.

Mayhew, Josephine
 Woodburn, Jeffrey R.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
 Densmore, Edward D.
 LaMott, Paul I.
 Nordgren, Sharon L.

Chambers, Mary P.
 Dow, David O.
 Larson, Nils H., Jr.

Copenhaver, Marion L.
 Guest, Robert H.
 Markley, J. Keith

HILLSBOROUGH

Baldizar, Barbara J.
 Desrochers, Gerard T.
 Dube, Ellen C.
 Fields, Dennis H.
 Genest, Fernand A.
 Gureckis, Adam C., Sr.
 Jenkins, Mary
 Lefebvre, Roland J.
 McDowell, James E.
 Murphy, Robert E.
 Ouellette, Robert O.
 Reidy, Frank J.
 Smith, Leonard A.
 Turgeon, Roland M.

Bourque, Ann J.
 Donovan, Francis X.
 Dwyer, Patricia R.
 Frank, Nancy G.
 Green, Scott E.
 Hall, Betty B.
 Johnson, Lionel W.
 Long, Linda D.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pepino, Leo P.
 Robinson, Ellen-Ann
 Soucy, Lillian E.
 Wright, George W.

Daigle, Robert A.
 Drabinowicz, A. Theresa
 Elliott, Larry G.
 Gagnon, Gabrielle V.
 Guilbert, Lionel
 Jean, Romeo W.
 King, John A.
 Lozeau, Donnalee M.
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Sage, Ronald P., Jr.
 Toomey, Daniel

MERRIMACK

Barberia, Richard A.
 Carter, Susan D.
 Fair, Patricia A.
 Pantzer, Eugene E.
 Trombly, Rick A.

Beaton, Nancy C.
 Daneault, Gabriel
 Jacobson, Alf E.
 Smith, Gerald R.
 Wallner, Mary Jane

Braiterman, Thea G.
 Dunn, Miriam D.
 Lockwood, Robert A.
 Soldati, Jennifer

ROCKINGHAM

Bell, Juanita L.
 Campbell, Marilyn R.
 Forsythe, Douglas G.
 Kane, Cecelia D.
 Pantelakos, Laura C.
 Rosencrantz, James R.
 Splaine, John E., Sr.
 Weddle, Michael R.

Blanchard, MaryAnn N.
 Caswell, Albert, Jr.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 Popov, Elizabeth M.
 Sanderson, Patricia O.
 Vaughn, Charles L.

Boucher, William P.
 Chase, Lawrence A., Jr.
 Hynes, Carolyn E.
 McGovern, Cynthia A.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Warburton, Calvin

STRAFFORD

Bernard, Mary E.
 Flynn, Anita A.
 Gilmore, Gary R.
 McCann, William H., Jr.
 Pelley, Janet R.

Burton, Wayne M.
 Flynn, Edward J.
 Keans, Sandra B.
 Merrill, Amanda A.
 Scharff, Thomas E.

Dionne, Albert J.
 Frechette, Roland A.
 Lachance, Douglas A.
 O'Brien, John
 Spencer, Leo J.

Sullivan, Henry P.
Wall, Janet G.

Tsiros, William
Wheeler, Katherine Wells

Vincent, Francis C.

SULLIVAN

Brodeur, Robert J.
MacAskill, Kenneth M.

Burling, Peter Hoe
Stamatakis, Carol M.

Harland, Jane A.

NAYS 233

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Locke, Matthew J.
Randall, Kenneth A.
Turner, Robert H.

Bolduc, Dennis R.
Hardy, Earle D.
Pearson, Ralph W.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Peters, Kenneth P.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Chase, Russell C.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Cole, Stacey W.
Grodin, Richard A.
Metzger, Katherine H.
Pearson, Gertrude B.
Sawyer, Alfred P.

Crutchley, Donald O.
Hunt, John B.
Miller, Jeffrey C.
Perry, David M.
Young, David A.

Gordon, Irvin H.
Laurent, John J.
Morse, JoAnn T.
Pierce, David A.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Merrill, Gerald P.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Hill, Richard L.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

Bennett, Shirley M.
Eno, Larry E.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Eaton, Clyde S.
Ford, Nancy M.
Harlan, Susan N.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Mason, Howard F.

Alukonis, David J.
Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Dyer, Merton S.
Emerton, Lawrence A., Sr.
Goulet, Maurice E.
Hatch, William H.
Hunter, Bruce F.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Norman B.
McCann, Bonnie Lou

Amidon, Eleanor H.
Bicknell, Robert C.
Brady, Carolyn L.
Culbert, Patrick
Domaingue, Jacquelyn M.
Dykstra, Leona
Foote, Herbert N., Sr.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.
Klose, John F.
Kurk, Neal M.
Lown, Elizabeth D.
McNerney, Daniel P.

McRae, Karen
 Pappas, Toni
 Provost, Gilles R.
 Riley, Frances L.
 Schneiderat, Catherine A.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.
 Young, Willard N.

Messier, Irene M.
 Perham, Lester R.
 Record, Alice B.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tyree, Paul M.
 Wheeler, David K.

Packard, Bonnie B.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Sallada, Roland A.
 Stiles, Walter A.
 Upton, Barbara A.
 Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
 Boucher, Laurent J.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Millard, Elizabeth S.
 Phelps, James D.
 Teague, Bert
 Whittemore, James A.

Apple, Lowell D.
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Shaw, Randall F.
 Tolpin, Richard W.

Bardsley, Elizabeth S.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Pfaff, Terence R.
 Stio, Peter M.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Cooke, Annette M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Senter, Marilyn P.
 Simon, Peter M.
 Stachowske, Vicki
 Vartanian, Elsie
 Wright, David B.

Benton, Richardson D.
 Campbell, Eunice M.
 Cote, Patricia L.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Parr, Ednapearl F.
 Roulston, Donald L.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna P.
 Welch, David A.

Brown, Jeffrey M.
 Conroy, Janet M.
 Drake, Herbert R.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Raynowska, Bernard J.
 Scamman, W. Douglas, Jr.
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Callaghan, Robert J.
 Kinney, Paula J.
 Meserve, John H.
 Stewart, Glenn W.
 Young, John B.

Bickford, Drucilla
 Foss, Patricia H.
 Marston, Robert E.
 Musler, George T.
 Torr, Ann M.

Brown, Julie M.
 Kincaid, William K.
 Martling, W. Kent
 Parks, Joe B.
 Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.

Domini, Irene C.

Flint, Gordon B.

Hinrichsen, Keith L.

Krueger, Richard H.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

Schotanus, Merle W.

and the amendment lost.

Question being the adoption of the Committee report, Ought to Pass with Amendment.

Report adopted.

Ordered to third reading.

HB 435-FN-A, making an appropriation for health services for young children. Re-refer to Committee.

The Committee recommends re-referral of HB 435 so that there will be appropriate means to address the serious problem of need for additional funding for child health services. By re-referring the bill it will allow the subject matter to be reviewed again at a later date in the biennium.

The Committee urges the Appropriations Committee to identify and specifically allocate funds for well child clinics. Vote 12-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Rep. Copenhaver spoke to the bill.

Rep. Bean explained the Committee Report.

Re-referred to Children, Youth and Juvenile Justice.

HB 355, relative to the African Development Bank. Ought to Pass with Amendment.

This bill will allow state regulated banks, insurance companies, employee retirement systems and domestic life insurance companies to invest in obligations of the African Development Bank. The bill was amended to require that the obligations issued by the "bank" be of the three highest ratings as defined in RSA 387:1, XVI and that monies payable (principle and interest) be payable in United States currency within this country. Vote 9-3. Rep. Robert C. Bicknell for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 387:16, IV as inserted by section 1 of the bill by replacing it with the following:

IV. AFRICAN DEVELOPMENT BANK. The obligations issued or guaranteed by the African Development Bank, provided all such bonds or notes are rated among the 3 highest ratings by one or more rating services, as defined in RSA 387:1, XVI, and are repayable as to principal and interest in United States currency within this country.

Amendment adopted.

Rep. Bicknell yielded to questions.

On a voice vote, the Chair was in doubt and called for a division.

154 members having voted in the affirmative and 173 in the negative, the report lost

Rep. Palumbo moved that the bill be laid on the table.

Adopted.

(Speaker in the Chair)

CACR 9, relating to mandated programs. Providing that the state shall not mandate that political subdivisions expend funds for any state programs or responsibilities unless the local legislative body votes to agree. Inexpedient to Legislate.

CACR 9 would remove the words "new, expanded or modified" from Article 28-A and would distort the clarity and intent of the CACR the people of New Hampshire voted for in 1984. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Resolution adopted.

CACR 12, relating to compensation of the legislature. Providing that the compensation of the legislature shall not be controlled through the constitution. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: CACR 12 would open the door for the Legislature to increase its salaries. Once salaries increase, then expenditure of campaign funds for a House seat will increase and preclude certain citizens from running for a seat — just what this bill is "attempting" to remedy. This resolution is not a solution. Vote 6-4. Rep. John J. McCarthy for the Majority of Constitutional and Statutory Revision.

MINORITY: The minority feels the people should decide whether compensation of the Legislature is still best controlled through the Constitution. It further believes CACR 12 should be amended so that the Legislature could not vote itself a pay raise for a current session; any such change would not become effective until after a following general election. Reps. Gary R. Gilmore, Ellen C. Dube, Mary Jenkins and Cynthia A. McGovern for the Minority of Constitutional and Statutory Revision.

Rep. Gilmore moved that the words Ought to Pass with Amendment, be substituted for the Committee report, Inexpedient to Legislate and spoke to his motion.

Reps. John McCarthy and Russell Chase spoke against the motion.

Rep. Woodburn spoke in favor of the motion.

Motion lost.

Resolution adopted.

CACR 13, relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. Inexpedient to Legislate.

This Constitutional Amendment, if passed by the voters, would provide a number certain for a jury trial. Currently, the New Hampshire Constitution provides for the right of a jury trial without reference to a specific number of that jury. Under current standards, a person who opts for a jury trial, at least in civil cases, may also choose a 12-person jury or a number between 6 and 12. The majority of the Committee feels that in the interest of justice, this option is desirable, and, furthermore, does not wish a specific number set in the Constitution. Vote 10-2. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Rep. Murphy moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate and spoke to his motion.

Rep. Burling spoke in favor of the motion.

Reps. McGovern and Flanders spoke against the motion and yielded to questions.

Motion lost.

Resolution adopted.

CACR 16, relating to the item veto in certain bills passed by the general court. Providing that the governor may strike out or reduce items or sections in the operating, capital or supplemental budget bills and a majority vote of the entire membership of each house would be required to override any such veto or reduction. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The majority of the Committee feels that a 400-member citizen Legislature has and will continue to work effectively and efficiently with the Governor on budget and all other matters. Vote 7-6. Rep. Cynthia A. McGovern for the Majority of Constitutional and Statutory Revision.

MINORITY: This piece of legislation gives the voter the right to act on a very important issue. If this were to be enacted, the Legislature would still be able to override a veto if it saw fit to do so. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Resolution adopted.

HB 218, permitting a person to be the candidate for only one party. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This bill prohibits a person who ran in one party's primary from being the candidate of a different party in the state general election. Voters have the right to know which party the candidate belongs to. This bill, if enacted, would strengthen the two-party system. Vote 6-4. Rep. Gary R. Gilmore for the Majority of Constitutional and Statutory Revision.

MINORITY: House Bill 218 pre-empts the will of the people and prohibits a candidate from accepting the votes of another party. Rep. John J. McCarthy for the Minority of Constitutional and Statutory Revision.

Rep. Holden yielded to questions.

Ordered to third reading.

HB 675, to eliminate straight ticket voting. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt this bill is not needed as many people of both parties use straight ticket voting. Voters have the option of using the straight ticket anyway. Vote 8-4. Rep. Matthew J. Locke for Constitutional and Statutory Revision.

MINORITY: Nearly all testimony in the Committee hearing urged elimination of straight ticket voting. The elimination of this feature would only ensure that the voter read the names of the candidates for whom he intends to vote. The voter might be surprised. Rep. Gary R. Gilmore, Ellen C. Dube, Cynthia A. McGovern, and Mary Jenkins for the Minority of Constitutional and Statutory Revision.

Rep. Ellen Dube moved that the words Ought to Pass, be substituted for the Majority Report, Inexpedient to Legislate and spoke to her motion.

Rep. Locke spoke against the motion.

Reps. Toomey and McCann spoke in favor of the motion and yielded to questions.

Rep. Palumbo spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 95

NAYS 244

**YEAS 95
BELKNAP**

Campbell, Richard H., Jr. Maviglio, Steven R.

Peters, Kenneth P.

CHESHIRE

Barber, Robert E., Jr.
 Foster, Katherine D.
 LaMar, David M.
 Spear, Susan S.

Cole, Kenneth A.
 Hill, Douglas E.
 Matson, William R.

Delano, Robert F.
 Hunt, John B.
 Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III
 Woodburn, Jeffrey R.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
 Densmore, Edward D.

Chambers, Mary P.
 Guest, Robert H.

Copenhaver, Marion L.
 Nordgren, Sharon L.

HILLSBOROUGH

Baldizar, Barbara J.
 Donovan, Francis X.
 Dwyer, Patricia R.
 Genest, Fernand A.
 Hall, Betty B.
 Johnson, Lionel W.
 Lown, Elizabeth D.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Soucy, Lillian E.

Bourque, Ann J.
 Drabinowicz, A. Theresa
 Ford, Nancy M.
 Green, Scott E.
 Jean, Romeo W.
 King, John A.
 Lozeau, Donnalee M.
 O'Rourke, JoAnne A.
 Reidy, Frank J.
 Toomey, Daniel

Desrochers, Gerard T.
 Dube, Ellen C.
 Frank, Nancy G.
 Gureckis, Adam C., Sr.
 Jenkins, Mary
 Long, Linda D.
 Messier, Irene M.
 Pappas, Toni
 Smith, Leonard A.
 Turgeon, Roland M.

MERRIMACK

Beaton, Nancy C.
 Dunn, Miriam D.
 Gilbreth, Robert M.
 Trombly, Rick A.

Braiterman, Thea G.
 Fair, Patricia A.
 Jacobson, Alf E.
 Wallner, Mary Jane

Daneault, Gabriel
 Fillion, Paul R.
 Soldati, Jennifer

ROCKINGHAM

Bell, Juanita L.
 Caswell, Albert, Jr.
 McGovern, Cynthia A.
 Ritzo, Eugene
 Splaine, John E., Sr.

Blanchard, MaryAnn N.
 Hollingworth, Beverly A.
 Pantelakos, Laura C.
 Rosencrantz, James R.
 Vaughn, Charles L.

Campbell, Eunice M.
 Kane, Cecelia D.
 Popov, Elizabeth M.
 Sanderson, Patricia O.
 Weddle, Michael R.

STRAFFORD

Callaghan, Robert J.
 Keans, Sandra B.
 McCann, William H., Jr.
 Pelley, Janet R.
 Wheeler, Katherine Wells

Frechette, Roland A.
 Lachance, Douglas A.
 Merrill, Amanda A.
 Scharff, Thomas E.

Gilmore, Gary R.
 Marston, Robert E.
 O'Brien, John
 Sullivan, Henry P.

SULLIVAN

Brodeur, Robert J.

Harland, Jane A.

Stamatakis, Carol M.

NAYS 244**BELKNAP**

Ballou, Richard A.
 Hardy, Earle D.
 Locke, Matthew J.
 Rice, Thomas E. P., Jr.
 Turner, Robert H.
 Ziegra, Alice S.

Bolduc, Dennis R.
 Hawkins, Robert S.
 Pearson, Ralph W.
 Richardson, Lawrence
 Vogler, Charles C.

Golden, Paul A.
 Holbrook, Robert G.
 Randall, Kenneth A.
 Rosen, Ralph J.
 White, James J.

CARROLL

Allard, Nanci A.
 Foster, Robert W.
 Powers, Gerard E., Jr.

Chandler, Gene G.
 MacDonald, Kenneth J.
 Saunders, Howard N.

Daly, Robert J., Jr.
 Olimpio, J. Lisbeth
 Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
 Laurent, John J.
 Pearson, Gertrude B.
 Sawyer, Alfred P.

Gordon, Irvin H.
 Miller, Jeffrey C.
 Perry, David M.
 Young, David A.

Grodin, Richard A.
 Morse, JoAnn T.
 Pierce, David A.

COOS

Brungot, Catherine V.
 Horton, Lynn C.
 Marsh, Beaton
 Theriault, Romeo J.

Burns, Harold W.
 Kilbride, Dennis J.
 Merrill, Gerald P.

Guay, Lawrence J.
 Lemire, George
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Christy, C. Dana
 Eno, Larry E.
 Larson, Nils H., Jr.
 Scanlan, David M.
 Townsend, Howard C.
 Weymouth, Philip H.

Bean, Pamela B.
 Dow, David O.
 Hill, Richard L.
 Markley, J. Keith
 Stewart, Roger
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Bennett, Shirley M.
 Driscoll, William J.
 LaMott, Paul I.
 Rose, William B.
 Teschner, Douglass P.
 Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet G.
 Biondi, Christine A.
 Cowenhoven, Garret P.
 Desrosiers, William J.
 Drolet, Paul L., Jr.
 Eaton, Clyde S.
 Fields, Dennis H.
 Grip, Robert H.
 Hatch, William H.
 Hultgren, David D.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 McCann, Bonnie Lou
 McRae, Karen
 Murphy, Robert E.
 Pepino, Leo P.
 Record, Alice B.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tyree, Paul M.
 Wihby, Linda S.

Alukonis, David J.
 Barry, Vivian
 Bowers, Dorothy C.
 Cox, Gladys M.
 Dodge, Emma M.
 Dyer, Merton S.
 Elliott, Larry G.
 Gagnon, Gabrielle V.
 Guilbert, Lionel
 Healy, Daniel J.
 Hunter, Bruce F.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Norman B.
 McDowell, James E.
 Moore, Elizabeth A.
 Ouellette, Robert O.
 Perham, Lester R.
 Riley, Frances L.
 Sallada, Roland A.
 Stiles, Walter A.
 Vanderlosk, Stanley R.
 Wright, George W.

Amidon, Eleanor H.
 Bicknell, Robert C.
 Brady, Carolyn L.
 Daigle, Robert A.
 Domaingue, Jacquelyn M.
 Dykstra, Leona
 Emerton, Lawrence A., Sr.
 Goulet, Maurice E.
 Harlan, Susan N.
 Holden, Carol H.
 Jasper, Shawn N.
 Klose, John F.
 Kurk, Neal M.
 Mason, Howard F.
 McNerney, Daniel P.
 Morrisette, Roland A.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Robinson, Ellen-Ann
 Schneiderat, Catherine A.
 Tarpley, Nancy L.
 Wheeler, David K.
 Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.

Apple, Lowell D.
 Boucher, Laurent J.

Barberia, Richard A.
 Carter, Susan D.

Gross, Caroline L.
Hill, Michael
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

Hall, Douglas E.
Johnson, C. William
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Hayes, Robert C.
Kidder, William F.
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Haynes, Richard L.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Mace, Ada L.
McCain, William F.
Micklon, Stephanie K.
Raynowska, Bernard J.
Seward, Russell G.
Skinner, Patricia M.
Sytek, Donna P.
Warburton, Calvin
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Conroy, Janet M.
Drake, Herbert R.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
McCarthy, John J., Jr.
Palazzo, Frank J., Sr.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Tufts, J. Arthur
Welch, David A.

Boucher, William P.
Campbell, Marilyn R.
Cooke, Annette M.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Gourdeau, Raymond H.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McKinney, Betsy
Palumbo, Vincent J., Jr.
Senter, Marilyn P.
Simon, Peter M.
Stachowske, Vicki
Vartanian, Elsie
Wells, Henry E.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Martling, W. Kent
Stewart, Glenn W.
Tsiros, William

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Meserve, John H.
Torr, Ann M.
Wall, Janet G.

Bickford, Drucilla
Flynn, Anita A.
Kinney, Paula J.
Parks, Joe B.
Torr, Ralph W.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the motion lost.
Resolution adopted.

HB 702-FN, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. Inexpedient to Legislate.

The majority, after listening to extensive testimony, determined that HB 702 be Inexpedient to Legislate by a vote of 10-2. It was felt that this legislation would place an undue burden upon the motor vehicle registration locations - a burden more properly placed with town clerks. Rep. John J. McCarthy for Constitutional and Statutory Revision.

Resolution adopted.

SPECIAL ORDER

HB 452-FN, relative to the vote for school building aid bonding. Majority: Ought to Pass. Minority Inexpedient to Legislate.

MAJORITY: In view of the growth in school population in most sections of the state, there is an overwhelming need to construct facilities and purchase land in a timely manner. Deferring construction and land purchases has consistently proven to be more costly to the taxpayers. For this reason, the majority of the Education Committee felt that to lower the required vote from two-thirds to 60% to pass a bond issue is a compromise as well as an appropriate measure. No fiscal impact. Vote 9-7. Rep. Kathleen M. Hoelzel for the Majority of Education.

MINORITY: The minority of the Committee favors keeping the present law of a two-thirds vote to pass a bond issue for school facilities. All cities, towns and counties in New Hampshire need a two-thirds vote to pass a bond and the minority feels that school districts should not be given special treatment. Long term indebtedness should have overwhelming support within a local community. The minority does not see a need to change a longstanding practice. Rep. Dennis R. Bolduc for the Minority of Education.

Rep. Wadsworth moved that the words Inexpedient to Legislate, be substituted for the Majority Report, Ought to Pass, and spoke to her motion.

Reps. Larson, Hoelzel and Skinner spoke against the motion.

Reps. Clyde Eaton and Bolduc spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 249

NAYS 98

YEAS 249

BELKNAP

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Pearson, Ralph W.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Golden, Paul A.
Locke, Matthew J.
Peters, Kenneth P.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chase, Russell C.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Cole, Kenneth A.
Foster, Katherine D.
Hunt, John B.
Matson, William R.
Morse, JoAnn T.
Pierce, David A.
Young, David A.

Cole, Stacey W.
Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Pearson, Gertrude B.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Miller, Jeffrey C.
Perry, David M.
Spear, Susan S.

COOS

Brungot, Catherine V.
Dumont, Robert E.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.

Burns, Harold W.
Horton, Lynn C.

Kilbride, Dennis J.
Merrill, Gerald P.

Adams, Carl S.
Bennett, Shirley M.
LaMott, Paul I.
Scanlan, David M.
Ward, Kathleen W.

Ahrens, Frederick G.
Baldizar, Barbara J.
Bicknell, Robert C.
Brady, Carolyn L.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Eaton, Clyde S.
Foote, Herbert N., Sr.
Genest, Fernand A.
Grip, Robert H.
Holden, Carol H.
Jenkins, Mary
King, John A.
Kurk, Neal M.
Lefebvre, Roland J.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Packard, Bonnie B.
Prestipino, Bartolo V.
Riley, Frances L.
Schneiderat, Catherine A.
Stiles, Walter A.
Turgeon, Roland M.
Wheeler, David K.
Young, Willard N.

Apple, Lowell D.
Boucher, Laurent J.
Fair, Patricia A.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Trombly, Rick A.

Anderson, Carl F., III
Boucher, William P.
Conroy, Janet M.

Lemire, George
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Dow, David O.
Markley, J. Keith
Townsend, Howard C.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
Barry, Janet G.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Donovan, Francis X.
Dyer, Merton S.
Elliott, Larry G.
Frank, Nancy G.
Goulet, Maurice E.
Hall, Betty B.
Hultgren, David D.
Johnson, Lionel W.
Klose, John F.
Lachut, Ervin R.
Lown, Elizabeth D.
McCann, Bonnie Lou
Messier, Irene M.
O'Rourke, JoAnne A.
Pepino, Leo P.
Provost, Gilles R.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea G.
Gross, Caroline L.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Brown, Jeffrey M.
Cooke, Annette M.

Mayhew, Josephine

Bean, Pamela B.
Hill, Richard L.
Rose, William B.
Wadsworth, Karen O.

Amidon, Eleanor H.
Barry, Vivian
Bourque, Ann J.
Cox, Gladys M.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dykstra, Leona
Fields, Dennis H.
Gagnon, Gabrielle V.
Green, Scott E.
Hatch, William H.
Jasper, Shawn N.
Kelley, Robert N.
Knight, Alice Tirrell
Lawrence, Norman B.
Lozeau, Donnalee M.
McNerney, Daniel P.
Moore, Elizabeth A.
Ouellette, Robert O.
Perham, Lester R.
Reidy, Frank J.
Sallada, Roland A.
Smith, Leonard A.
Toomey, Daniel
Vanderlosk, Stanley R.
Wright, George W.

Beaton, Nancy C.
Daneault, Gabriel
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
Whittemore, James A.

Blanchard, MaryAnn N.
Brown, Lewis W.
Cote, Patricia L.

Drake, Herbert R.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Johnson, Robert A.
 King, Roger C.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Popov, Elizabeth M.
 Seward, Russell G.
 Sochalski, Matthew M.
 Vaughn, Charles L.
 Wright, David B.

Dube, LeRoy S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Sherburne, John L.
 Stachowske, Vicki
 Warburton, Calvin

Fesh, Robert M.
 Forsythe, Douglas G.
 Hoar, John, Jr.
 Katsakiores, Phyllis M.
 MacDonald, Maurice B.
 McCain, William F.
 Micklon, Stephanie K.
 Pantelakos, Laura C.
 Schmidtchen, Rowland
 Simon, Peter M.
 Tufts, J. Arthur
 Welch, David A.

STRAFFORD

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Parks, Joe B.
 Sullivan, Henry P.
 Vincent, Francis C.

Bernard, Mary E.
 Flynn, Edward J.
 Kinney, Paula J.
 Meserve, John H.
 Pelley, Janet R.
 Torr, Ralph W.
 Wall, Janet G.

Dionne, Albert J.
 Foss, Patricia H.
 Marston, Robert E.
 Musler, George T.
 Scharff, Thomas E.
 Tsiros, William
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 Schotanus, Merle W.

Brodeur, Robert J.
 Peyron, Fredrik

Domini, Irene C.
 Rodeschin, Beverly T.

NAYS 98

BELKNAP

Ballou, Richard A.

Hawkins, Robert S.

CHESHIRE

Barber, Robert E., Jr.
 Pratt, Irene A.

Delano, Robert F.

Hill, Douglas E.

COOS

Marsh, Beaton
 Woodburn, Jeffrey R.

Oleson, Otto H.

Theriault, Romeo J.

GRAFTON

Chambers, Mary P.
 Densmore, Edward D.
 Larson, Nils H., Jr.
 Teschner, Douglass P.

Christy, C. Dana
 Driscoll, William J.
 Nordgren, Sharon L.
 Weymouth, Philip H.

Copenhaver, Marion L.
 Guest, Robert H.
 Stewart, Roger

HILLSBOROUGH

Bowers, Dorothy C.
 Dwyer, Patricia R.
 Guilbert, Lionel
 Hunter, Bruce F.
 Kress, Gloria W.
 Morrisette, Roland A.
 Pignatelli, Debora B.
 Soucy, Lillian E.

Desrosiers, William J.
 Emerton, Lawrence A., Sr.
 Gureckis, Adam C., Sr.
 Jean, Romeo W.
 Long, Linda D.
 Nardi, Theodora P.
 Record, Alice B.

Dube, Ellen C.
 Ford, Nancy M.
 Harlan, Susan N.
 Keefe, Edmund M.
 McDowell, James E.
 Pappas, Toni
 Robinson, Ellen-Ann

MERRIMACK

Anderson, Eleanor M.
Dunn, Miriam D.
Hager, Elizabeth
Pantzer, Eugene E.
Teague, Bert

Bardsley, Elizabeth S.
Fillion, Paul R.
Hall, Douglas E.
Soldati, Jennifer
Wallner, Mary Jane

Carter, Susan D.
Gilbreth, Robert M.
Hill, Michael
Stio, Peter M.

ROCKINGHAM

Bell, Juanita L.
Caswell, Albert, Jr.
Flanders, John W., Sr.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
Ritzo, Eugene
Skinner, Patricia M.
Weddle, Michael R.

Campbell, Eunice M.
Felch, Charles H., Sr.
Gourdeau, Raymond H.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.
Rosencrantz, James R.
Sytek, Donna P.

Campbell, Marilyn R.
Flanders, Harry E.
Haynes, Richard L.
Hynes, Carolyn E.
Magoon, Harold F.
Sanderson, Patricia O.
Vartanian, Elsie

STRAFFORD

Burton, Wayne M.
Keans, Sandra B.
Merrill, Amanda A.
Stewart, Glenn W.

Callaghan, Robert J.
Lachance, Douglas A.
O'Brien, John
Torr, Ann M.

Gilmore, Gary R.
McCann, William H., Jr.
Spencer, Leo J.
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
Krueger, Richard H.
Stamatakis, Carol M.

Flint, Gordon B.
MacAskill, Kenneth M.

Harland, Jane A.
Middleton, John A.

and the motion was adopted.

Resolution adopted.

HB 117-FN, relative to feeding garbage to swine. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill, as amended, gives the State Veterinarian the enforcement powers to inspect, quarantine and retest when necessary, and to levy administrative fines on those people who violate the rules and regulations on feeding garbage to swine. Vote 14-5. Rep. Marilyn R. Campbell for the Majority of Environment and Agriculture.

MINORITY: This bill was reported out of Committee some time ago as "Ought to Pass as Amended." One of the legislators indicated his and his constituent pig farmer's dissatisfaction to leadership, which suggested different wording. The rephrasing now appears in the new amendment. The Minority's concern is a procedural one. Reps. J. Lisbeth Olimpio, Elizabeth M. Popov, Betty B. Hall and Douglas E. Hill for the Minority of Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court recognizes that improperly cooked garbage fed to swine may contribute to the spread of vesicular exanthema, cholera, erysipelas, foot and mouth disease, trichinosis, pseudorabies, salmonella enteriditis, and other infectious animal diseases. The general court also recognizes that meat from swine so afflicted, when consumed by human beings, is a primary source of trichinosis and other human sickness. Therefore, the general court seeks to further control the feeding of garbage to swine for the protection of the public health and welfare.

2 Permanent Revocation of License. Amend RSA 435:35 to read as follows:

435:35 Revocation. Upon determination that any person having a permit issued under this subdivision, or who has applied for a permit under it, has violated or failed to comply with any of the provisions of this subdivision, or any of the rules adopted under it, the commissioner or the state veterinarian may *permanently* revoke such permit or refuse to issue a permit to any *such* applicant.

3 New Section; Quarantine. Amend RSA 435 by inserting after section 36 the following new section:

435:36-a Quarantine Required. Any person who violates RSA 435:36 by feeding raw garbage to swine, except as provided in RSA 435:33, II, shall be required to have such swine quarantined and tested, at his own expense, for brucellosis, pseudorabies, hog cholera and African swine fever.

4 Inspection. Amend RSA 435:37, I to read as follows:

I. Any authorized representative of the commissioner or the state veterinarian shall have the power to enter at [reasonable times] *any time* upon any private or public property for the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine as required by this subdivision.

5 Reference Addition. Amend RSA 435:39 to read as follows:

435:39 Enforcement; Rulemaking. The commissioner is hereby charged with administration and enforcement of the provisions of this subdivision, and is authorized to adopt, *pursuant to RSA 541-A*, and enforce all rules which he may deem necessary to carry out the purposes of this subdivision.

6 New Paragraph; Administrative Fine Added. Amend RSA 435:40 to read as follows:

435:40 Penalties.

I. Any person who violates any of the provisions of or who fails to perform any duty imposed by this subdivision, or who violates any rules adopted under it shall be guilty of a misdemeanor. In addition, such person may be enjoined from continuing such offense. Each day upon which such offense occurs shall constitute a separate offense.

II. In addition, any person who violates any of the provisions of this subdivision or any rule adopted under it may be subject to an administrative fine levied by the commissioner, not to exceed \$5,000 for each violation.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the commissioner of the department of agriculture or the state veterinarian to permanently revoke a permit for violations of the feeding garbage to swine law.

The bill also requires any person who has fed raw garbage to swine to have such swine quarantined and tested, at his own expense, for certain diseases.

The bill allows the commissioner or the state veterinarian to enter at any time and inspect public or private property where garbage is being fed to swine.

The bill also adds an administrative fine to the other penalties for violations of this law.

Amendment adopted.

Ordered to third reading.

HB 423-FN-A, relative to closure of landfills and making an appropriation therefor. Ought to Pass.

A uniform land fill closure program is one of the highest priorities of the Environment and Agriculture Committee and should be one of the entire Legislature. Neither the Governor's budget nor the current operating budget reflects this priority. The vote of this Committee is a statement that the hour is not only late, it is past, as far as digging New Hampshire out of its own garbage is concerned. Fiscal Note calls for state expenditures of \$2.5 million. Vote 11-4. Rep. John L. Sherburne for Environment and Agriculture.

Referred to Appropriations.

HB 497, relative to financial responsibility for hazardous waste accidents. Ought to Pass with Amendment.

This bill will protect property owners from the cost of replacing emergency equipment, that could be contaminated in responding to an emergency call. It establishes an administrative review procedure for municipalities seeking reimbursement. The bill eliminates delay in replacing equipment because the system would be in place in advance of the incident. Vote 18-1. Rep. Robert A. Daigle for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Toxic Waste Cleanup Costs. Amend RSA 154:8-a by inserting after paragraph II the following new paragraph:

II-a.(a) Any person whose act or omission caused, in whole or in part, such actual discharge of hazardous materials or toxic wastes which resulted in contamination of police, fire, emergency preparedness, or emergency response equipment shall be responsible for payment of the cost of equipment cleanup or replacement.

(b) Within 30 days after the equipment leaves the site of the incident, the municipality or organization which seeks payment shall submit a bill for the cost of equipment cleanup or replacement to the person responsible for the equipment contamination under subparagraph (a). Payment shall be made directly to the municipality or to the organization. The person responsible for the equipment contamination may appeal payment for the cost of equipment cleanup or replacement within 30 days of receipt of the bill for that cost to the commissioner of the department of environmental services. The commissioner shall hold an administrative hearing within 30 days after receiving the appeal, at which time the extent of liability for costs shall be determined. The commissioner shall issue a decision within 30 days after holding the hearing.

(c) If no appeal is filed within 30 days after receipt of the bill the person responsible for the equipment contamination shall be deemed to have waived all rights to appeal and shall be liable to the municipality or organization for the total amount billed.

AMENDED ANALYSIS

This bill provides for payment by the person responsible for the discharge for the cost of cleanup or replacement for any police, fire, or emergency equipment which becomes contaminated when responding to a hazardous materials accident.

The bill also establishes 30 day appeal provision to the commissioner of the department of environmental services when disputes arise over the payment of cleanup costs.

Amendment adopted.

Ordered to third reading.

HB 77-FN, relative to the pharmacy board. Ought to Pass with Amendment.

This bill will allow the Board of Pharmacy to impose civil penalties for wilful or repeated violations of any provisions of RSA 318:55. Vote 17-0. Rep. Merton S. Dyer for Executive Departments and Administration.

Amendment

Amend RSA 318:55, II as inserted by section 5 of the bill by replacing it with the following:

II. In addition to the penalties under paragraph I, the board may impose a civil penalty not to exceed \$5,000 upon any person who willfully or repeatedly violates any provision of this chapter.

Amend the bill by replacing section 6 with the following:

6 Effective Date.

I. Section 3 of this act shall take effect July 1, 1989.

II. Section 4 of this act shall take effect January 1, 1990.

III. The remainder of this act shall take effect 60 days after its passage.

Amend the bill by deleting section 1 and renumbering sections 2-6 to read as 1, 2, 3, 4, and 5 respectively.

Amendment adopted.

Ordered to third reading.

HB 271-FN, relative to fish and game license fees. Ought to Pass with Amendment.

Due to the flat income from license revenues, the Fish and Game Department has overestimated its income by \$800,000. Now add to that one legislative special \$300,000, the mandate to adjust its budget down by 8% plus 3% and we now have a deficit scenario. The Committee reconsidered its prior action of Inexpedient to Legislate, brought the bill back and after extensive discussions with the Director and the Fish and Game Committee the motion of Ought to Pass with Amendment was adopted by a vote of 14-3. Although the Committee demands and expects frugality, it cannot and should not allow deficit spending. This bill was requested by the Fish and Game Department. No fiscal impact. Rep. William P. Boucher for Fish and Game.

Amendment

Amend the bill by replacing section 2 with the following:

2 Certain Fees Increased. Amend the introductory paragraph of RSA 214:9, VIII and RSA 214:9, VIII(a), (b), and (c) to read as follows:

VIII. If the applicant is a nonresident and wishes to take any species of freshwater fish, saltwater smelt, saltwater shad, or saltwater salmonoids, \$[29.50] **34.50**, and the agent shall thereupon issue a nonresident fishing license which shall entitle the licensee to kill, take and transport all species of freshwater fish, saltwater smelt, saltwater shad, and saltwater salmonoids, under the restrictions of this title, provided that:

(a) If the applicant wishes to take said fish for 15 consecutive days, \$[21.50] **26.50**, and the agent shall thereupon issue a 15-day nonresident fishing license for said time only under the restrictions of this title;

(b) If the applicant wishes to take said fish for 7 consecutive days, \$[17.50] **22.50**, and the agent shall thereupon issue a 7-day nonresident fishing license for said time only under the restrictions of this title; and

(c) If the applicant wishes to take said fish for 3 consecutive days, \$[12.50] **17.50**, and the agent shall thereupon issue a 3-day nonresident fishing license for said time only under the restrictions of this title.

Amend the bill by replacing all after section 3 with the following:

4 Effective Date. This act shall take effect November 15, 1989, for the sale of 1990 fish and game licenses.

AMENDED ANALYSIS

This bill raises certain fish and game license fees to hunt and fish by \$5.

This bill is effective for the fish and game licenses for the 1990 season.

Amendment adopted.

Referred to Appropriations.

HB 302-FN, relative to hunting and fishing licenses for totally and permanently disabled veterans. Ought to Pass with Amendment.

The Committee, after research by a Subcommittee, has accomplished the intent of the sponsors by identifying who qualifies under current law. The Fish and Game Department neglected to file legislation reinstating the deer season, which expires in 1989. The amendment accomplishes this for two more years. No fiscal impact. Vote 16-0. Rep. William P. Boucher for Fish and Game.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the setting of the deer season.

Amend the bill by replacing all after the enacting clause with the following:

1 Deer Season. Amend RSA 208:2 to read as follows:

208:2 Executive Director Controls Taking, Time, and Conditions. The executive director, [with the consent of] *after consulting with* the commission, shall have the authority to open and close the seasons for the taking of wild deer, to fix the number and sex limitations for wild deer, and any other conditions governing the methods and manner of taking and reporting of the same, subject to the conditions specified in RSA 208:3, 3-a, 3-b, 3-c, 4, 6-a and 7. The authority of the executive director as granted by this section shall be exercised with reference to the state as a whole or for any specified county or part thereof, and shall expire on December 31, [1988] **1990**, except that such authority shall permit the executive director, [with the consent of the commission] *after consulting with the commission*, to set the opening date of the regular deer season for [1989] **1991**. All rules adopted by the executive director shall be in accordance with RSA 541-A.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the executive director, after consulting with the fish and game commission, to set the deer season for a 2 year period of time and to fix the number and the conditions for taking deer.

Amendment adopted.

Ordered to third reading.

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions. Ought to Pass.

The majority of the Committee believes that the existing legislation regulating abortion is antiquated, inappropriate and a proper subject for repeal. Political action on this issue may be required if there is a repeal or modification of Roe v. Wade. The Committee is certain that the citizens of New Hampshire will be better served if there is a "clean slate" on which to write any new democratically determined rules. Vote 14-3. Rep. Peter Hoe Burling for Judiciary.

Rep. Sytek moved that the words Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass and spoke to her motion.

Rep. Thomas Gage spoke against the motion.

Rep. David Wheeler moved to lay HB 377 on the table.

A division was requested.

144 members having voted in the affirmative, and 182 in the negative, the motion lost.

(Deputy Speaker Burns in the Chair)

Reps. Scott Green, McCain, and Hager spoke against the motion.

Reps. Hultgren, Frank, and Bolduc spoke in favor of the motion.

Rep. Musler moved that debate be limited.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 157**NAYS 188****YEAS 157
BELKNAP**

Ballou, Richard A.
Holbrook, Robert G.
Peters, Kenneth P.
Richardson, Lawrence

Bolduc, Dennis R.
Locke, Matthew J.
Randall, Kenneth A.
Rosen, Ralph J.

Golden, Paul A.
Pearson, Ralph W.
Rice, Thomas E. P., Jr.
White, James J.

CARROLL

Daly, Robert J., Jr.
Saunders, Howard N.

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.
Laurent, John J.
Pierce, David A.

Delano, Robert F.
Morse, JoAnn T.
Sawyer, Alfred P.

Gordon, Irvin H.
Perry, David M.
Young, David A.

COOS

Dumont, Robert E.
Marsh, Beaton

Guay, Lawrence J.
Theriault, Romeo J.

Lemire, George

GRAFTON

Dow, David O.
Markley, J. Keith

Driscoll, William J.
Townsend, Howard C.

LaMott, Paul I.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Biondi, Christine A.
 Brady, Carolyn L.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Harlan, Susan N.
 Holden, Carol H.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lefebvre, Roland J.
 Nardi, Theodora P.
 Perham, Lester R.
 Riley, Frances L.
 Soucy, Lillian E.
 Tyree, Paul M.
 Wihby, Linda S.

Baldizar, Barbara J.
 Bourque, Ann J.
 Cox, Gladys M.
 Desrosiers, William J.
 Donovan, Francis X.
 Eaton, Clyde S.
 Foote, Herbert N., Sr.
 Genest, Fernand A.
 Guilbert, Lionel
 Hatch, William H.
 Hultgren, David D.
 Jean, Romeo W.
 Kelley, Robert N.
 Lachut, Ervin R.
 McDowell, James E.
 Ouellette, Robert O.
 Provost, Gilles R.
 Schneiderat, Catherine A.
 Toomey, Daniel
 Vanderlosk, Stanley R.
 Young, Willard N.

Bicknell, Robert C.
 Bowers, Dorothy C.
 Daigle, Robert A.
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Elliott, Larry G.
 Frank, Nancy G.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Healy, Daniel J.
 Hunter, Bruce F.
 Johnson, Lionel W.
 King, John A.
 Lawrence, Norman B.
 Morrisette, Roland A.
 Pepino, Leo P.
 Reidy, Frank J.
 Searles, Stanley N., Sr.
 Turgeon, Roland M.
 Wheeler, David K.

MERRIMACK

Barberia, Richard A.
 Daneault, Gabriel
 Nichols, Avis B.
 Shaw, Randall F.

Boucher, Laurent J.
 Hayes, Robert C.
 Pfaff, Terence R.
 Stio, Peter M.

Carter, Susan D.
 Holmes, Mary C.
 Phelps, James D.
 West, George M.

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Benton, Richardson D.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Hynes, Carolyn E.
 King, Roger C.
 Malcolm, Kenneth W.
 Palumbo, Vincent J., Jr.
 Schmidtchen, Rowland
 Stachowske, Vicki
 Warburton, Calvin

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 Cooke, Annette M.
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 Tsiros, William

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Behrens, Thomas A.
 Flint, Gordon B.
 Peyron, Fredrik

Brodeur, Robert J.
 Hinrichsen, Keith L.
 Rodeschin, Beverly T.

Domini, Irene C.
 MacAskill, Kenneth M.

NAYS 188 BELKNAP

Campbell, Richard H., Jr.
Turner, Robert H.

Hardy, Earle D.
Vogler, Charles C.

Maviglio, Steven R.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Wiggin, Allen R.

Chandler, Gene G.
Foster, Robert W.

Chase, Russell C.
Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine D.
Hunt, John B.
Miller, Jeffrey C.
Spear, Susan S.

Cole, Kenneth A.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.

Crutchley, Donald O.
Hill, Douglas E.
Metzger, Katherine H.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Oleson, Otto H.

Horton, Lynn C.
Merrill, Gerald P.
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.
Stewart, Roger
Ward, Kathleen W.

Arnesen, Deborah L.
Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Eno, Larry E.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Dwyer, Patricia R.
Ford, Nancy M.
Jenkins, Mary
Long, Linda D.
Mason, Howard F.
Messier, Irene M.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rodgers, G. Philip
Stiles, Walter A.

Amidon, Eleanor H.
Cowenhoven, Garret P.
Dyer, Merton S.
Green, Scott E.
Klose, John F.
Lown, Elizabeth D.
McCann, Bonnie Lou
Moore, Elizabeth A.
Pappas, Toni
Record, Alice B.
Sallada, Roland A.
Tarpley, Nancy L.

Barry, Janet G.
Dube, Ellen C.
Dykstra, Leona
Hall, Betty B.
Kurk, Neal M.
Lozeau, Donnalee M.
McRae, Karen
Murphy, Robert E.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Smith, Leonard A.

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Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Soldati, Jennifer
Wallner, Mary Jane

Apple, Lowell D.
Braiterman, Thea G.
Fillion, Paul R.
Hager, Elizabeth
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Teague, Bert

Bardsley, Elizabeth S.
Dunn, Miriam D.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Smith, Gerald R.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III	Bell, Juanita L.	Blanchard, MaryAnn N.
Boucher, William P.	Campbell, Marilyn R.	Caswell, Albert, Jr.
Conroy, Janet M.	Drake, Herbert R.	Flanagan, Natalie S.
Flanders, Harry E.	Flanders, John W., Sr.	Ford, Bert H.
Forsythe, Douglas G.	Gage, Thomas U.	Gourdeau, Raymond H.
Greene, Elizabeth A.	Haynes, Richard L.	Hoar, John, Jr.
Hollingworth, Beverly A.	Johnson, Robert A.	Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	Magoon, Harold F.
McCain, William F.	McGovern, Cynthia A.	Pantelakos, Laura C.
Popov, Elizabeth M.	Roulston, Donald L.	Sanderson, Patricia O.
Scamman, W. Douglas, Jr.	Senter, Marilyn P.	Sherburne, John L.
Simon, Peter M.	Skinner, Patricia M.	Splaine, John E., Sr.
Tufts, J. Arthur	Vaughn, Charles L.	Weddle, Michael R.
Wells, Henry E.		

STRAFFORD

Appleby, James E.	Bernard, Mary E.	Bickford, Drucilla
Brown, Julie M.	Burton, Wayne M.	Flynn, Anita A.
Flynn, Edward J.	Foss, Patricia H.	Gilmore, Gary R.
Keans, Sandra B.	Kinney, Paula J.	Lachance, Douglas A.
Martling, W. Kent	McCann, William H., Jr.	Merrill, Amanda A.
Musler, George T.	O'Brien, John	Parks, Joe B.
Pelley, Janet R.	Scharff, Thomas E.	Spencer, Leo J.
Stewart, Glenn W.	Torr, Ann M.	Vincent, Francis C.
Wall, Janet G.	Wheeler, Katherine Wells	Young, John B.

SULLIVAN

Burling, Peter Hoe	Harland, Jane A.	Krueger, Richard H.
Middleton, John A.	Schotanus, Merle W.	Stamatakis, Carol M.

and the motion lost.

Rep. Bernard notified the Clerk that she inadvertently voted nay and meant to vote yea.

Ordered to third reading.

HB 578-FN, relative to victims' assistance. Ought to Pass with Amendment.

This bill, as amended, expands New Hampshire's victims' services program to allow crime victims to be compensated for their out-of-pocket losses. The bill raises to 3% the additional penalty assessment, which is levied on certain fines, to make these compensation payments. Fiscal Note calls for increased state expenditures and revenues of \$105,000 in FY90 and \$220,500 in FY91. Vote 16-0. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend RSA 6:12, I(aa) as inserted by section 1 of the bill by replacing it with the following:

(aa) The assessments collected under RSA 188-F:31 which shall be credited to the victims' assistance fund until that fund exceeds \$2,000,000, at which time moneys in excess of \$2,000,000 shall be credited to the police standards and training council training fund, as established in RSA 188-F:30.

Amend RSA 21-M:8-h, I as inserted by section 2 of the bill by replacing it with the following:

I. Victims of (a) a felony resulting in personal injury; or (b) injuries caused by persons driving under the influence of alcohol or controlled substances; are eligible for compensation. In case of the victim's death as a direct result of the crime, the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's spouse or guardian may claim compensation in the victim's stead.

Amend RSA 21-M:8-h, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

Amend RSA 21-M:8-j as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. Procedures for payment of compensation when paid to members of the accused's immediate family or persons who reside with or have maintained a continuous relationship with the accused, which will prevent the accused from receiving any benefit or enrichment from such compensation.

Amend RSA 188-F:31, I as inserted by section 3 of the bill by replacing it with the following:

I. Every court shall levy a penalty assessment of \$2 or 10 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI [or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked]. This penalty assessment shall be designated for the police standards and training council training fund. In addition, the court shall levy a [2] 3 percent penalty assessment on each such fine or penalty which shall be designated for the victims' assistance fund. The total penalty assessment levied by the court under this paragraph shall be [12] 13 percent.

AMENDED ANALYSIS

This bill creates a victims' assistance program at the state level to be administered by the department of justice. The bill establishes a victims' assistance commission, with not more than 5 members to be appointed by the attorney general, to review claims and make compensation awards from a victims' assistance fund. The attorney general is granted the authority to make rules regarding the commission and compensation of victims.

The amount which may accumulate in the victims' assistance fund is increased and the amount of penalty assessment designated for the victims assistance fund is increased from 2 to 3 percent. There are to be no penalty assessments on fines or

penalties for violations of municipal ordinances. When the fund exceeds \$2,000,000, moneys in excess of \$2,000,000 shall be deposited in the police standards and training council training fund. Up to 55 percent of the fund shall be used by the attorney general to make grants to public and private victim assistance programs. Up to 15 percent shall be used for administration costs. The remainder of the fund shall be used for compensation awards.

This bill makes eligible for compensation victims of felonies resulting in personal injury or victims of injuries caused by persons driving under the influence. If the victim dies as a result of the crime, the victim's relatives may claim compensation. The claimant may be reimbursed up to \$5,000 for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, and lost wages.

Amendment adopted.

Referred to Appropriations.

HB 531-FN, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places. Ought to Pass with Amendment.

This bill provides for counties and their commissioners to provide all governing and administrative responsibilities in unincorporated and unorganized places. The Committee is indebted to several officials, particularly of Coos County, for their diligent and competent work in preparation of this legislation. All testimony was favorable. Vote 18-0. Rep. Carl S. Adams for Municipal and County Government.

Amendment

Amend RSA 81:1, II as inserted by section 4 of the bill by replacing it with the following:

II. List all property taxes by them assessed under their hands, with a warrant under their hands and seals. The list shall be directed to the tax collector appointed by the commissioners requiring him to collect such sums and at such times as may be therein prescribed. The provisions of RSA 41:6 relative to surety bonds and RSA 41:33-45 relative to collectors of taxes shall also apply to county tax collectors appointed by the commissioners for unincorporated towns and unorganized places.

Amend the bill by replacing section 38 with the following:

38 Approving Bonds of County Officers. Amend RSA 27:3, II to read as follows:

II. County treasurers, *county tax collectors appointed pursuant to RSA 81:1, II*, registers of deeds and their deputies shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through the failure of the officers covered to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions; or against losses through fraudulent or dishonest acts committed by the covered officers. A blanket bond may exclude the county treasurer if a separate fidelity bond for the faithful performance of his duties is furnished by the surety writing the blanket bond. Premiums shall be paid by the county. The required bonds shall provide for at least a 2 year discovery period from the date their coverage terminates. The commissioner of revenue administration shall adopt rules under RSA 541-A concerning the amount and form of the surety bonds required under this section.

39 Effective Date.

I. Sections 3 and 37 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect July 1, 1989.

Amendment adopted.
Ordered to third reading.

HB 566, relative to investments by town trustees. Inexpedient to Legislate.

The Committee recognizes some merit in this bill, but knowledge and experience in the matter is vague and in the opinion of the Committee, it did not see any strong support for its passage. The Division of Charitable Trusts and the Office of the Attorney General took no stand either in favor or in opposition. Vote 14-1. Rep. John A. Middleton for Municipal and County Government.

Resolution adopted.

HB 457, relative to municipal regulation of forestry. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: House Bill 457 adds a new paragraph to the legislative intent section of the Zoning Laws of the state (RSA 672:1) which asks local planning boards to recognize that in New Hampshire, which is the second most forested state in the nation, productive, economically viable forestry is the state's most cost-effective land protection tool. Because our forest resource does not recognize town boundaries or lot lines, the non-binding statement requests that the practice of forestry not be discouraged, fragmented, or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers. The bill would complement the present law which provides the same protection for the practice of agriculture. Vote 10-4. Rep. Stacey W. Cole for the Majority of Resources, Recreation and Development.

MINORITY: As a policy matter, it is a poor idea to pass legislation that is of no force or effect. HB 457 is such a bill.

Furthermore, it is questionable whether the state should make a habit of singling out particular businesses and actively discourage municipalities from restricting those uses. Passage of this bill could encourage a variety of interests to come forward seeking similar special protection. Such policy decisions are best left to the local communities.

Testimony before the Committee was that the regulation in question is rare. Reps. Leonard R. Smith, Carol M. Stamatakis, C. Fitzgerald Buckley and Steven R. Maviglio for the Minority of Resources, Recreation and Development.

Ordered to third reading.

HB 551-FN, regarding emergency evacuation plans for nuclear facilities. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill specifies a public awareness and educational program which presently exists, a fact acknowledged by the sponsor. The sponsor's testimony, although critical of the Office of Emergency Management's program, offered no specific alternatives. OEM's program has received FEMA and NRC approvals. Vote 9-4. Rep. Paul M. Tyree for the Majority of Science, Technology and Energy.

MINORITY: The minority supports the intent of the bill which is to ensure that (1) residents and tourists within a nuclear emergency planning zone are made fully aware of the need for monitoring and possible decontamination in the event of a nuclear emergency and that (2) in the event of a nuclear emergency, all persons advised to evacuate should also be advised to seek monitoring to determine if decontamination to remove radioactivity is necessary or desirable. The minority does not believe that the issues of monitoring and decontamination are adequately or appropriately addressed

in present educational materials distributed to residents of the emergency planning zone. Reps. Amanda A. Merrill, Robert E. Barber and Jane A. Harland for the Minority of Science, Technology and Energy.

Resolution adopted.

Rep. Sytek abstained from voting under Rule 16.

HB 608-FN, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities. Ought to Pass with Amendment.

The amendment to this bill clarifies the organization and charter of the Committee. Vote 8-5. Rep. David B. Wright for Science, Technology and Energy.

Amendment

Amend paragraph III as inserted by section 1 of the bill by replacing all after subparagraph (i) with the following:

(j) One representative of the general business community, to be appointed by the governor and council.

(k) Ex officio members from within or without the state, as requested by at least 5 voting members listed under paragraph II, who shall be recognized experts in the field of siting, licensing or operating energy facilities.

Amend the bill by replacing section 2 with the following:

2 Terms. The members shall serve for one year after the effective date of this legislation. The committee shall elect a chairperson, vice chairperson and clerk from among its members. The first-named member from the house of representatives shall serve as interim chairperson until a permanent chairperson and vice chairperson have been elected.

Amend the bill by replacing paragraph I of section 3 with the following:

I. Evaluate and consider alternatives to the present process for licensing, siting, and operation of energy related facilities, including but not limited to utility and non-utility electrical generation plants, natural gas pipelines, electric transmission lines and waste-to-energy plants and associated ash landfills. The evaluation shall consider a timely and cost-effective procedure which assures full public participation. The committee may hold public hearings, take written or oral presentations from interested persons, and review books, reports, and other material deemed pertinent to the purposes of the committee.

Amendment adopted.

Ordered to third reading.

HB 269-FN-A, to abolish the interest and dividends tax. Inexpedient to Legislate.

This bill would repeal the Interest and Dividends Tax, which is producing income in excess of \$35,000,000 annually, our fifth largest source. The present state of finances obviously could not afford such a reduction. Vote 13-0. Rep. Frederick G. Ahrens for Ways and Means.

Rep. Sytek spoke to the bill.

Resolution adopted.

HB 397-FN, relative to composition of the dental board. Ought to Pass.

This bill adds one dental hygienist and one public member to the State Dental Board. The majority thought this would balance the Board better while the minority

felt the Board was operating effectively as now organized. Vote 10-7. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Rep. Scott Green spoke against the committee report.

(Speaker in the Chair)

Rep. Maurice MacDonald spoke in favor of the committee report and yielded to questions.

Report adopted.

Referred to Appropriations.

SUSPENSION OF RULES

Rep. Hager moved that the Rules be so far suspended as to permit HB 271, relative to fish and game license fees, and HB 397, relative to the composition of the dental board, to be scheduled for hearings without previous notice in the Calendar.

Adopted by the necessary two-thirds.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, March 21 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 373-FN, relative to the use of automatic telephone dialing systems.

HB 503, relative to business and voluntary corporations.

HB 553, relative to the Wentworth-Douglass Hospital charter.

HCR 5, encouraging business and industries in New Hampshire to offer "good student" discounts.

HB 67, specifying the rulemaking authority of the commissioner and the directors of the department of environmental services.

HB 267-FN, relative to vicious dogs.

HB 571-FN, establishing standards for mediators.

HB 593-FN, relative to collective bargaining.

HB 664-FN, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights.

HB 313, relative to the Carroll county attorney.

HB 472, relative to appeals to the zoning board of adjustment.

HB 473, relative to building codes in municipalities.

HB 476, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts.

HB 537-FN, authorizing the town of North Hampton to collect taxes for one 18-month accounting period.

HB 533-FN, relative to the custody and impoundment of certain dogs.

HB 629-FN, relative to gravesites.

HB 70-A, establishing a study committee to examine the vocational education system.

HB 384-FN, establishing a task force to review the recommendations of the Manchester airport and highway study.

HB 509 FN, authorizing industrial development financing for the Manchester Airport.

HB 34, correcting references in the law relating to the division of water resources.

HB 80-FN, relative to land under the jurisdiction of the wetlands board.

HB 254-FN, establishing a study committee to examine issues relative to the great ponds in the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.

HB 445, recodifying certain water laws.

HB 582-FN, relative to a committee to review surface water use restrictions on the public waters of the state.

HB 661-FN, relative to notification to downstream municipalities concerning effluent discharges.

HB 708, relative to the Free Trade Agreement between the United States and Canada.

HCR 2, declaring a New Hampshire Scottish Heritage Week.

HCR 3, petitioning the United States Congress for a national recycling policy.

HB 248-FN, establishing a study committee on deinstitutionalization in New Hampshire.

HB 40, relative to intrastate motor carriers.

HB 762-A, making supplemental appropriations for fiscal year 1989.

HB 218, permitting a person to be the candidate for only one party.

HB 117-FN, relative to feeding garbage to swine.

HB 497, relative to financial responsibility for hazardous waste accidents.

HB 77-FN, relative to the pharmacy board.

HB 302-FN, relative to the setting of the deer season.

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions.

HB 531-FN, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places.

HB 457, relative to municipal regulation of forestry.

HB 608-FN, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities.

SENATE MESSAGE

CONCURRENCE

HB 750, establishing a redevelopment commission relative to Pease Air Force Base and making an appropriation therefor.

ENROLLED BILLS REPORT

HB 750, establishing a redevelopment commission relative to Pease Air Force Base and making an appropriation therefor.

Rep. James D. Phelps
For the Committee

(Deputy Speaker Burns in the Chair)

Rep. Phelps moved that the House adjourn.
Adopted.

HOUSE JOURNAL No. 14

Tuesday, March 21, 1989

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

Judge and guide of all creation, during this week which christians call holy, we seek to be aware of your steadfast presence across the ages. Most of all, we ask the assurance that we do not labor alone and do not labor in vain. In many ways we are weary, feeling we move from crisis to crisis.

There is more to be done than we can do. There are more needs than we can address, more deadlines than we can meet, more responsibilities than we can handle. Help us to focus on the work at hand, to live with some sense of faith, one day at a time.

Grant to us, righteous God, both the challenge and the comfort which You promise to all Your people. Be present in our speaking and listening, in our labors and in our rest this day. Amen.

Rep. Tarpley led the House in the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Daniel Eaton, Avery, Manus, Stamatakis and Julie Brown, the day, illness.

Reps. Donovan, Gilbreth, Parr, Markley, Crutchley, Stachowske and Pierce, the day, important business.

Reps. Roger Stewart and Bickford, the day, death in the family.

Reps. A. Gibb Dodge and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Stan Adams, guest of Rep. Dow.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 23 and 24 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS**First, second reading and referral**

SB 23, relative to the executive director of the liquor commission.
(Regulated Revenues)

SB 24, relative to liquor store displays and promotions. (Regulated Revenues)

SENATE MESSAGES**CONCURRENCE**

HB 16, relative to advertising potatoes.

HB 17, changing the language of the oath administered to petit jurors in criminal cases.

HB 20, authorizing investigators to photograph hazardous waste sites.

HB 43-FN, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation.

HB 52, relative to rail accident reporting requirements.

HB 60, relative to pronouncement of death by nurses.

HB 62-FN, adding administrative fines to the laws relative to auctioning and shipping livestock.

HB 63-FN, relative to equine infectious anemia.

HB 65-FN, adding administrative fines to certain provisions of the agriculture laws.

HB 74, extending the time for the filing of a report by the municipal charter study committee.

HB 89-FN, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams.

HB 122-FN, relative to concession contracts at certain state facilities.

HB 124-FN, relative to the annual fee for issuers of open-end mutual funds, and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers.

HB 125-FN, relative to securities registration statements and rulemaking by the director of the office of securities regulation.

HB 128-FN, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations.

HB 160-FN, to repeal the state recreational fund.

HB 161, extending the illiteracy and dropout prevention legislative study committee.

HB 186-FN, allowing free hunting and fishing licenses for residents suffering from certain handicaps.

HB 205, relative to continuing care communities.

HB 246-FN, relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next.

HB 316, relative to notice to abutters.

HCR 1, resolution of support for northeastern regional cooperation in solid waste reduction, recycling and disposal.

NONCONCURRENCE

HB 172-FN, relative to distribution of sweepstakes revenue.

HB 203, regarding copying costs of public documents.

COMMITTEE REPORTS

Consent Calendar

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 443, exempting certain insurance claims adjusters from licensing examinations, was removed at the request of Rep. Fraser.

HB 616, relative to the public utilities commission, was removed at the request of Rep. Maurice MacDonald.

Adopted.

HB 118-FN, relative to collision damage waiver. Ought to Pass with Amendment.

This bill follows the idea promulgated by the National Association of Insurance Commissioners on physical damage waivers required by auto rental companies; it

covers disclosures by both the insurers and auto rental companies on policies and rental agreements. All concerned parties agreed on this bill. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter: Collision Damage Waiver and Disclosure of Coverage for Rented Private Automobiles. Amend RSA by inserting after chapter 407-D the following new chapter:

CHAPTER 407-E

COLLISION DAMAGE WAIVER COVERAGE FOR RENTED MOTOR VEHICLES

407-E:1 Purpose. The purpose of this chapter is to prohibit rental car companies from imposing liability on lessees, subject to rules adopted by the insurance commissioner, and to prohibit the sale of collision damage waivers in connection with private automobile rental agreements of 30 days or less, if the lessee is covered by insurance through his credit card or by insurance issued by a New Hampshire insurer.

407-E:2 Definitions. In this chapter:

I. "Collision damage waiver" means any contract or contractual provision, whether separate from or a part of a private passenger motor vehicle rental agreement, in which the lessor agrees, for a charge, to waive any and all claims against the lessee for any damage to the rental motor vehicle during the term of the rental agreement.

II. "Lessee" means any person or organization obtaining the use of a rental motor vehicle from a lessor under the terms of a rental agreement.

III. "Lessor" means any person or organization whose principal business is providing private passenger motor vehicles to the public.

IV. "Rental agreement" means any written agreement setting forth the terms and conditions governing the use of the rental motor vehicle by the lessee for a period of 30 days or less.

V. "Rental motor vehicle" means a private passenger type vehicle not subject to a lease with option to purchase, and which is made available to a lessee for the lessee's use upon execution of a rental agreement.

407-E:3 Notice of Option Not to Purchase Insurance from Lessor.

I. Any rental car company offering for sale insurance coverage or collision damage waiver, subject to rules adopted by the insurance commissioner, shall clearly and conspicuously state, in immediate proximity to the space reserved for the lessee's signature, that the lessee's personal insurance coverage or collision damage waiver may be covered by his personal motor vehicle insurance policy or through insurance under his credit card. If such insurance coverage exists under the lessee's personal insurance policy or credit card, the lessee may require that the rental car company submit any claims to the lessee's personal insurance carrier as the lessee's agent. The rental car company shall not make any written or oral representations that it will not present claims or negotiate with the lessee's insurance carrier.

II. Every rental agreement shall state in bold face type of a minimum size of 10 points, a statement in substantially the following form:

NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE VEHICLE. BEFORE DECIDING WHETHER TO PUR-

CHASE THE COLLISION DAMAGE WAIVER, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN AUTOMOBILE INSURANCE OR CREDIT CARD AFFORDS YOU COVERAGE FOR DAMAGE TO OR LOSS OF THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. PURCHASE OF THIS COLLISION DAMAGE WAIVER IS NOT MANDATORY AND MAY BE WAIVED.

Every company in the business of renting private passenger motor vehicles and providing collision damage waivers also shall provide such notice, by a conspicuously posted sign.

407-E:4 Prohibited Acts. No motor vehicle rental company shall require a lessee to leave an untotaled or blank credit card slip to cover the repair cost of damage to a rented motor vehicle.

407-E:5 Coverage for Rented Motor Vehicles. Every insurance policy issued, renewed, or amended, which covers a private passenger motor vehicle, shall disclose whether such policy provides liability, collision or comprehensive coverage for damage to or loss of a rental motor vehicle. Every policy issued shall contain or have attached to it a conspicuous statement specifying the type of insurance provided, limits of coverage, and any deductible amount, and shall have attached to it a removable wallet-size card containing the same information.

407-E:6 Penalties.

I. Any rental company or insurer found by the insurance department to have violated a provision of this chapter or to have proceeded with a lack of good faith to impose liability upon the lessee, as provided in this chapter, shall be subject to an administrative fine of not less than \$100 nor more than \$1,000 for each violation, at the discretion of the insurance commissioner.

II. Any rental company or insurer failing to comply with any provision of this chapter shall be liable for a civil penalty of not more than \$10,000 to the lessee. The requirements, remedies and provisions of this chapter shall be in addition to the requirements, remedies and provisions of any other law applicable to rental company and insurance disclosure laws.

2 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill prohibits rental car companies from requiring lessees to buy a collision damage waiver in connection with a private automobile rental agreement of 30 days or less if the lessee is insured through his credit card company or other insurance issued by a New Hampshire insurer.

The bill also prohibits rental companies from requiring such a lessee to leave a blank or untotaled credit card slip to cover the repair costs of damage to a rented car.

The bill includes penalty provisions.

HB 133-FN, relative to the aircraft financial responsibility act. Inexpedient to Legislate.

The sponsor of this bill requested that it be Inexpedient to Legislate. Vote 11-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

HB 251-FN-A, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor. Ought to Pass with Amendment.

The Committee agrees with the bill's sponsors that it is important to assist New Hampshire businesses increase their export of products. The bill would assist busi-

nesses and the Division of Economic Development by studying methods for developing and advancing export trade activities in the state and making recommendations regarding exporting from New Hampshire. Vote 11-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend paragraph IV of section 2 of the bill by replacing it with the following:

IV. Two representatives of business associations in New Hampshire, appointed by the state's 2 business associations.

Amend paragraphs VII and VIII of section 2 of the bill by replacing them with the following:

VII. The chairperson of the academic advisory committee established in section 5 of this act, or designee.

VIII. One representative from the New Hampshire International Trade Association.

IX. The director of the New Hampshire state port authority, or designee.

Amend the bill by inserting after section 4 the following and renumbering the original sections 5-6 to read as 6, 7, respectively:

5 Academic Advisory Committee; Membership. An academic advisory committee is established to provide technical and research expertise to the study committee established in section 2 of this act. The committee shall elect a chairperson who shall be a member of the study committee. The committee shall consist of the following members :

I. One representative from the university system of New Hampshire's small business program.

II. One representative from Dartmouth's Amos Tuck School.

III. One representative from the Franklin Pierce Law Center.

IV. One representative from Plymouth State College's MBA program.

Referred to Appropriations.

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts. Re-refer to Committee.

It became obvious during testimony that the cause for this bill related quite specifically to the inadequacy of the Division for Children and Youth Services procedure for payment of services. It is woefully inadequate as currently structured. No other provider of services to the State of New Hampshire dealing with other agencies testified before this Committee as to difficulty in receiving timely payment. It is hoped that re-referral will provide DCYS the opportunity to resolve its difficulty without the necessity for very narrow legislative action that should be solved by effective agency administrative procedure. Vote 12-2. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

HB 433-FN-A, relative to a pool for environmental liability insurance and making an appropriation therefor. Ought to Pass with Amendment.

The bill establishes an environment risk pool board, which will begin implementing an environmental risk pool for New Hampshire towns, municipalities and businesses that request membership in the pool. The pool will protect members and the public against environmental damage from on-site hazardous waste pollution. The

state will appropriate \$122,500, which will be returned to it out of premiums collected. The board is administratively attached to the New Hampshire Insurance Department. The amendments are for the purpose of assuring that the pool shall be self-supporting and that the state shall not be liable on any claim. Also, the amendments exclude nuclear facilities from the pool. The bill, as amended, is supported by the Business and Industry Association, the New Hampshire Association of Commerce and Industry, and the New Hampshire Municipal Association. Vote 13-0. Rep. Thea G. Braiterman for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 404-E:1, III as inserted by section 1 of the bill by replacing it with the following:

III. Membership to the pool shall be limited to businesses and communities which are making, in the opinion of the board, good faith efforts to comply with all state and federal environmental laws, rules, and regulations and shall exclude nuclear power facilities and nuclear waste storage and transportation facilities.

Amend RSA 404-E:3, II as inserted by section 1 of the bill by replacing it with the following:

II. The board shall study, with the guidance and counsel of a risk management firm, the potential membership levels of the pool and make findings concerning the practicality of such a pool. The board shall report such findings, including any proposed legislation, to the president of the senate, the speaker of the house and the insurance commissioner annually no later than December 1. The first such report shall be submitted not later than one year after the effective date of this section.

Amend RSA 404-E:6 as inserted by section 1 of the bill to read as follows:

404-E:6 Reimbursement of Appropriations. The board shall reimburse the state treasury for any appropriations made to help establish an environmental risk pool from premiums paid to the pool. In the event that there is not enough money to fund the pool through premiums, the state treasury shall be reimbursed as completely as possible before any moneys are reimbursed to the premium payers. The board and the pool shall be self-supporting and the state shall not be liable on any claim brought against them.

Referred to Appropriations.

HB 467, relative to discharges of mortgages. Ought to Pass.

This bill requires that the mortgagee (bank) be responsible for the recording of a mortgage discharge with the registry of deeds within 30 days after satisfaction of said mortgage. Currently, the mortgagor (borrower) is responsible for recording the discharge. Vote 14-0. Rep. Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

HB 555, relative to damaged and rebuilt vehicles. Inexpedient to Legislate.

At this time, the bill needs more work to accomplish what is desired. It is the intent of the Committee to follow up the feasibility of pursuing the ideas presented. Vote 12-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. Re-refer to Committee.

The Committee is sympathetic to the sponsor and the concerns of his constituency. It feels that the bill has merit and that its recommendations can solve the problem.

However, the Committee needs more time than is available and the sponsor agrees to re-referral. Vote 12-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 655-FN, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer. Ought to Pass with Amendment.

This bill spells out the way that an overpayment of taxes, fees and other charges made in connection with insurance laws may be refunded by the Insurance Commissioner. Vote 14-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Overpayments by Insurers. Amend RSA 400-A:34 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding paragraphs II and III, if an insurer or other person engaged in the business of insurance in this state has paid taxes, fees or other charges pursuant to title XXXVII in excess of the amount legally chargeable against such insurer or other person, application may be made for a refund of the overpayment. If the commissioner is satisfied that, because of some mistake of fact, error in calculation, or erroneous interpretation of a law of this state or any other state, an overpayment was made by the insurer or other person the commissioner shall apply the amount of the overpayment toward the payment of taxes, fees or other charges already due or which may become due or make a cash refund to the insurer or other person. Application for a refund shall be made within 3 years after the date of the excess payment of taxes, fees or other charges.

AMENDED ANALYSIS

This bill allows the insurance commissioner to apply overpayments made by an insurer on taxes, fees, or other charges made in connection with the insurance laws, to other taxes, fees, or charges attributable to such insurer, already due or which may become due. Alternatively, the bill also allows the insurance commissioner to make a cash refund to such an insurer. Application for the refund must be made within 3 years from the date of payment.

HB 695-FN, requiring cash refunds for returns of merchandise. Inexpedient to Legislate.

Unfortunately, there is no state or federal law requiring retailers to publish their return policy. However, the Committee felt this bill does not properly address this issue without being an undue burden on retailers. Vote 14-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

HB 84-FN, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill permits employees of political subdivisions who elect to participate in the New Hampshire Retirement System to purchase creditable service for employment prior to the participation date of the employer. Vote 16-2. Rep. Beverly A. Gage for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Purchasing Creditable Service. Amend RSA 100-A:22 to read as follows:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. *If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees to obtain an actuary's statement indicating the accrued liability cost of obtaining credit for periods of prior service rendered to such employer; provided, that the member shall agree to pay for the statement. Upon payment by the member of the amount determined by the actuary plus the cost of the statement, and with the approval of the board, the member shall receive credit for such prior service.* Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, exempt their chief administrative officer, as an unclassified employee, from compulsory membership provided herein. Any such officer who is presently a member of the retirement system, or who previously was a member of the retirement system, shall be entitled to have any accumulated contributions and the accumulated interest thereon in his or his employer's account, paid over to him and the employer respectively for the express purpose of having said accumulated contributions or equal amounts of monies contributed to the International City Management Retirement Corporation. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

Referred to Appropriations.

HB 273-FN, authorizing the transfer of sick and annual leave and longevity credit for certain state employees. Ought to Pass with Amendment.

This bill allows unclassified employees who transfer to classified service, without a break in service, to then accumulate or utilize annual and sick leave in accordance with the state collective bargaining agreement. The bill also allows classified employees who transfer to unclassified without a break in service to transfer all the days of sick leave and annual credit that he/she has accumulated. The bill also transfers all time served for longevity. Vote 14-1. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 New Section; Unclassified to Classified. Amend RSA 94 by inserting after section 4 the following new section:

94:4-a Unclassified to Classified State Service. Any unclassified state official or employee who transfers from the unclassified service, without a break in service, to the classified service, shall immediately begin to accumulate and utilize, as earned,

annual and sick leave in accordance with the state collective bargaining agreement. The rate of accrual shall be according to continuous years worked.

4 Transfer of Longevity Pay. Amend RSA 99:5 to read as follows:

99:5 Long Service Employees. Any regular classified employee of the state who has completed 10 years of continuous service for the state shall be paid, in addition to the salary to which he is entitled by the classification plan, the sum of \$200 annually and an additional \$200 for each additional 5 years of continuous state service. The additional compensation provided by the provisions of this section shall not affect the maximums set by the classification plan and the receipt of said long service payments shall not prohibit the recipient [thereof] from receiving the yearly increments to which he may be otherwise entitled within his classification ranges. *Any regular classified employee who transfers, without a break in service to a position in the unclassified system may transfer all time served for purposes of longevity pay.*

5 Applicability. The provisions of this act shall apply as a remedial measure, to any classified, unclassified, unclassified legislative employee, or nonclassified employee who transferred, without a break in service, to another aspect of state service on or after January 1, 1987.

6 Effective Date. This act shall take effect upon its passage.

HB 325, relative to disciplinary actions against veterinarians. Ought to Pass.

This bill makes the Board of Veterinary Medicine consistent with other professional licensing boards; such as Medicine and Pharmacy. It clarifies that if disciplinary action taken by the Board of Veterinary Medicine is appealed to the Supreme Court, the action imposed by the Board shall be stayed during the appeal. Vote 16-2. Rep. Maurice E. Goulet for Executive Departments and Administration.

HB 402-FN, relative to the state archivist. Ought to Pass.

This bill adds duties, which the State Archivist has been performing for several years, regarding microfilming of public records. The salary of the Archivist, not previously specified, is placed in RSA 94:1-a. Vote 18-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

HB 518-FN, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program. Ought to Pass with Amendment.

This bill establishes a cost containment unit within the Office of the Commissioner of Administrative Services. This Department will have the responsibility for determining eligibility and repayment schedules and for collecting repayments under the Indigent Defense Program. The Indigent Defense prior program was established by Chapter 225 of the Laws of New Hampshire 1988.

This program began in July, 1988 with two objectives. The first objective, improving collections of recoupment orders began immediately while the second, codifying the methods for determination of eligibility required new rules which were approved by the Joint Legislative Committee on Administrative Rules in October.

Based on results since October, the savings from findings of ineligibility of defendants applying to the program and who are not entitled will be \$21,528 for FY89. This does not include a noticeable decrease in applications for Indigent Defense Funds from projected levels based on an increased crime rate. The potential saving because of changes in the eligibility standards on misdemeanor

cases alone is \$175,000. The program estimates recoupments for FY89 to be \$271,000 as opposed to \$133,687 collected by the courts and the Department of Corrections in FY88. The agency reports that the annualized collection rate in calendar 1989 is \$347,538 and projects Revenue at \$582,126 for FY90.

The FY89 budget for the pilot program was \$214,000, but the Office of Cost Containment projects being able to contain expenditures to \$209,000. Fiscal Note calls for state expenditures of \$218,153 in FY90 and \$237,073 in FY91. The Committee amendment decreases state expenditures. Vote 15-1. Rep. Randall F. Shaw for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor.

Amend the bill by replacing section 12 with the following:

12 Appropriation; Department of Administrative Services. The sum of \$218,153 for the fiscal year ending June 30, 1990, and the sum of \$227,073 for the fiscal year ending June 30, 1991, are hereby appropriated to the department of administrative services for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

13 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill establishes a cost containment unit within the office of the commissioner of administrative services. The unit of cost containment shall be responsible for determining eligibility and repayment schedules and for collecting repayments under the indigent defense program. The bill grants the commissioner of administrative services rulemaking authority necessary to administer the indigent defense eligibility and repayment program.

The bill makes an appropriation for purposes of the cost containment unit.

Referred to Appropriations.

HB 579-FN, permitting certain policemen and firemen to join the New Hampshire retirement system. Ought to Pass with Amendment.

This bill merges three firemen, and one policeman, who are in the old retirement system, into the current Police and Firemen System. The amendment speeds up the merger and termination from January 1, 1990 to August 1, 1989. Vote 17-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 3 with the following:

3 Transfer of Members in Predecessor Systems. RSA 100-A:33 is repealed and reenacted to read as follows:

100-A:33 Transfer of Members. Any person who, as of May 31, 1989, is actively employed and is earning benefits and making contributions in accordance

with the provisions of any predecessor system of the New Hampshire retirement system shall, effective August 1, 1989, earn benefits and make contributions under the provisions of this chapter and, upon retirement, death, disability, or termination shall be considered to have been a full member of the New Hampshire retirement system for the entire period of creditable service in either system as provided in RSA 100-A:4, I; provided however that any such person may elect, by notification in writing to the board of trustees on or before July 15, 1989, to continue to make contributions and earn benefits under the provisions of the predecessor system; and any such election shall thereafter be irrevocable.

Amend the bill by replacing section 8 with the following:

8 New Sections; Merger and Termination of Policemen's Retirement System. Amend RSA 100-A by inserting after section 36-f the following new sections:

100-A:36-g Merger of New Hampshire Policemen's Retirement System. Effective July 1, 1989, the New Hampshire policemen's retirement system, as provided by RSA 103, shall be merged into and become a part of the New Hampshire retirement system. All retired members and beneficiaries who are receiving or are eligible to receive benefits under RSA 103 shall receive the same benefits from the New Hampshire retirement system, but in accordance with the payment provisions and restrictions of the New Hampshire policemen's retirement system. All assets and liabilities under the New Hampshire policemen's retirement system are hereby transferred to the New Hampshire retirement system. The rules and provisions of the New Hampshire policemen's retirement system shall hereby be considered a part of the rules and provisions of the New Hampshire retirement system for purposes of administering this section.

100-A:36-h Termination of New Hampshire Policemen's Retirement System. Effective July 1, 1989, the New Hampshire policemen's retirement system shall cease to exist as an operating retirement system. All assets and liabilities of the New Hampshire policemen's retirement system are hereby transferred to the New Hampshire retirement system to be administered in accordance with RSA 100-A:36-g. The rules and provisions of the New Hampshire policemen's retirement system shall be considered a part of the rules and provisions of the New Hampshire retirement system for purposes of administering RSA 100-A:36-g.

Amend the bill by replacing section 10 with the following:

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill merges the policemen's retirement system, RSA 103, with the New Hampshire retirement system as of August 1, 1989. The bill also terminates the old policemen's retirement system, and repeals the provisions in RSA 100-A relative to membership in and benefits under predecessor systems.

Referred to Appropriations.

HB 589-FN, to define "retired state employee" for state employees group insurance purposes. Re-refer to Committee.

House Bill 589 addresses subject matter also contained in SB 89, passed by the Senate and coming to the Committee on Executive Departments and Administration. The Committee desires the opportunity to combine the two bills into one

and report back the results of its deliberations via SB 89. Vote 18-0. Rep. Wayne M. Burton for Executive Departments and Administration.

HB 595-FN, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system. Ought to Pass with Amendment.

House Bill 595 with amendment allows former out-of-state teachers to "roll over" creditable service from their non-New Hampshire service into the New Hampshire Retirement System at their own expense. Vote 18-0. Rep. Wayne M. Burton for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Creditable Service for Certain Teachers. Amend RSA 100-A by inserting after section 4-a the following new section:

100-A:4-b Creditable Service for Former Out-of-State Teachers.

I. Notwithstanding any provision of RSA 100-A to the contrary, every currently active teacher teaching during or after the 1988-89 school year, and who transferred as an active school teacher from another state, shall be allowed to purchase their out-of-state service as creditable service in the New Hampshire retirement system. Teachers under this section may purchase the full prior out-of-state service, or a pro rata portion of service equal to the amount of money withdrawn from the prior system upon payment of the amount determined by the actuary for the New Hampshire retirement system.

II. In no case shall the amount of service purchased exceed the creditable service in the out-of-state system. No person may collect an annuity from another state for the same period of creditable service that is covered by this retirement system.

III. The teacher shall provide such certification from the out-of-state system and in such manner as the board of trustees shall prescribe.

Referred to Appropriations.

HB 676, relative to the operation of OHRVs on rights-of-way. Ought to Pass with Amendment.

House Bill 676, as amended, is the recommendation of the study committee to look into the feasibility of the use of OHRVs on highway rights-of-way. This bill allows the use of OHRV trail connectors on state highway rights-of-way, if approved by the Commissioner of the Department of Transportation. Vote 11-0. Rep. David M. Scanlan for Fish and Game.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definitions. Amend RSA 215-A:1 by inserting after paragraph XVI the following new paragraph:

XVII. "Trail connector" means that specific portion of an OHRV trail authorized within a state highway right-of-way by the department of transportation.

2 Bureau Responsibilities. Amend RSA 215-A:3, VI to read as follows:

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway *trail* crossing *or trail connector* on any class I, class II or class III highway for any OHRV trail. The

requests shall be submitted *by the supervisor* to the commissioner of the department of transportation or his representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of transportation may post the area with appropriate signs designating the location of the trail crossing *or trail connector* and providing signs for both sides of the highway at an appropriate distance from the crossing *or trail connector* to warn the motoring public of said crossing *or trail connector*.

3 Limitations of OHRV Operations on Class I, II and III Highways. Amend RSA 215-A:9, III and IV to read as follows:

III. No direct crossings of limited access highways, except those highways designated as controlled access highways by the commissioner of the department of [public works and highways] *transportation* shall be permitted.

IV. Pursuant to RSA 214-A:3, VI the commissioner of the department of [public works and highways] *transportation* may issue written permission to the supervisor of the bureau to establish OHRV trail crossings either under or over interstate, toll or limited access highways.

4 Further Limitations. RSA 215-A:9, V is repealed and reenacted to read as follows:

V. The policy governing any OHRV trail connector or trail crossing within class I, II, and III highway rights-of-ways shall be as determined by the commissioner of the department of transportation.

5 Change of Reference. Amend RSA 215-A:10, IV to read as follows:

IV. A person may operate a snow traveling vehicle, when snow conditions permit, on separate bicycle trails or pedestrian walkways constructed for such purposes by the department of [public works and highways] *transportation* on the interstate highways, toll roads or limited access highways if the trails and walkways are designated and maintained as approved snow traveling vehicular trails by the bureau and if such designation and maintenance is approved by the commissioner of [public works and highways] *the department of transportation*.

6 Prohibition of Certain Vehicles within Highway Rights-of-Way. Amend RSA 236:56, I to read as follows:

I. No person shall operate a motorbike, motorcycle, trail bike, all terrain vehicle including 4-wheel drive vehicles or other motorized 2 or 3 wheel trail type vehicle and track type vehicles within or upon the rights-of-way adjacent to the traveled way of the interstate highway systems, toll roads, or limited access highways of this state, *except as authorized pursuant to RSA 215-A:9*.

7 New Subparagraph. Amend RSA 236:56, II by inserting after subparagraph (c) the following new subparagraph:

(d) Trail Connectors. All OHRVs may be operated within specified trail connectors and pursuant to the provisions of RSA 215-A:9. The commissioner of the department of transportation may limit the operation of specified types of OHRVs when he feels this is necessary in matters of safety and maintenance of trail corridors or at the suggestion of the chief supervisor of the bureau of off highway vehicles.

8 Registration Fees. Amend RSA 215-A:23, V(a)(8) to read as follows:

(8) One dollar of the amount collected from each individual registration fee shall be used by the bureau for the sole purpose of purchasing [large track type OHRV trail groomers] *OHRV trail maintenance equipment*. These funds

shall be kept in a separate account and shall not be used for any other purpose, and shall be appropriated for this purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

9 Repeal. RSA 215-A:10, I, relative to the hours for operation of a snow traveling vehicle, is repealed.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill is the recommendation of the study committee established to determine the feasibility of establishing OHRV trails on the right-of-ways of state highways.

The bill provides for "trail connectors". A trail connector is a specific portion of the OHRV trail authorized within a highway right-of-way. Trail connectors are to be approved for selective locations by the commissioner of the department of transportation.

The bill also changes some references in RSA 215-A, from the commissioner of public works and highways to the commissioner of the department of transportation.

The bill provides for a portion of the OHRV registration fee to be used for the purpose of purchasing OHRV trail maintenance equipment, rather than large track type OHRV trail groomers.

HB 502, relative to disclosure of mental health information. Ought to Pass with Amendment.

This bill authorizes the disclosure of certain medical information to a family member or other care-giver of a seriously or chronically mentally ill client if the client is living at home and under the care of the aforementioned persons. The bill declares that only the minimum amount of information may be disclosed as necessary to assure that appropriate and effective care and support systems are available to the client or mentally ill person.

House Bill 502 also requires that the center or facility releasing the client attempt to obtain the client's consent before disclosure of the medical information. If the client agrees to the release of the relevant information, there is no problem. However, if for some reason the client does not sign a consent form, the families testifying before the Committee felt that it was a matter of common sense that the primary care-giver should be aware of the nature of the medications the mentally ill person was taking, their possible side effects and the time of the doctor's appointments.

The people testifying on behalf of HB 502 stated further that since mental illness is long term and has many ups and downs in its course, it is important for the families caring for the mentally ill person to become partners with the clients and professionals in the management of the illness. Families that are providing room and board to their disabled family members do not want to find out their innermost secrets; they just want to know how best to help. They need basic information about diagnoses, medication side effects and the treatment plan. This information would be available to group home workers and should be available to family members as well to assure appropriate and effective care.

The goal of HB 502 is to make sure that family support is there for the mentally ill person when that person is being cared for by the family. The legislation

would not require that medical information be given to the family. It merely makes possible the sharing of such pertinent information.

The amendment adds language to clarify who determines what information is needed to assure that appropriate and effective care and support systems are available to the client. Vote 15-0. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 135-C:19-a as inserted by section 1 of the bill by replacing it with the following:

135-C:19-a Disclosure of Certain Information. Notwithstanding RSA 329:26 and RSA 330-A:19, a community mental health center or state facility providing services to seriously or chronically mentally ill clients may disclose certain information from the client's medical record to a family member or other person, if such family member or person lives with the client and provides direct care to the client. Information disclosed by community mental health centers and state facilities under this section shall be limited to the minimum amount determined by the service providers to be necessary to assure that appropriate and effective care and support systems are available to the client. Prior to the disclosure, the mental health center or facility shall attempt to secure the consent of the client. If consent cannot be obtained, the client shall be informed of the purpose and nature of the intended disclosure and of the person or persons to whom the disclosure is to be made.

HB 554, relative to the advisory council on the sale and fitting of hearing aids. Ought to Pass.

At the time this federal law was passed, otolaryngologists and audiologists did not fit or sell hearing aids. Today, every single one in the state does. Therefore, there is no one who can be legally appointed to the Advisory Council. This deprives the Director of the Division of Public Health Services of advice and prevents effective discussion of matters coming before the Council. Vote 15-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

HB 670-FN, relative to public accommodation of physically handicapped persons. Re-refer to Committee.

This bill needs more in-depth study as it concerns involvement of local building codes, State Fire Marshal, local fire departments and BOCA building codes. There is also a question regarding grandfathering construction prior to enactment of 1/1/90. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

HB 697-FN, establishing an information registry relative to head injuries. Inexpedient to Legislate.

This bill is a request to build a registry of persons with head injuries. Having no central gathering agency, the Department of Health and Human Services was asked to implement this program. The Committee agreed on the intent of the bill, however, there already is a facility ready to receive this information, e.g., New Hampshire Hospital Association, which operates the Uniform Hospital Discharge Data System. The feeling was that this is better kept in the private sector. It is hoped the N.H.H.A. will incorporate in this registry information from New

Hampshire Chapter of National Head Injury Foundation. This will best serve patients, families and health facilities in the care of, planning for, and education of persons with such injuries. Vote 13-2. Rep. Alice S. Ziegra for Health, Human Services and Elderly Affairs.

HB 748, relative to anatomical gifts accepted by medical or dental schools. Ought to Pass with Amendment.

This bill requires medical or dental schools which accept anatomical gifts of the entire body to be responsible for all procedures and arrangements associated with transporting and preserving such bodies. Preservation procedures shall be conducted under national standards which are used by American medical and dental schools. The amendment exempts the schools from laws pertaining to embalming procedures used by funeral businesses. Vote 16-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 291-A:7-a as inserted by section 1 by replacing it with the following:

291-A:7-a Transportation and Preservation. Notwithstanding any law or rule to the contrary, if a donee is an accredited medical or dental school and it accepts a gift of the entire body for the purposes of medical research and education, the school shall be responsible for all transportation arrangements and for all preservation procedures for such body. The preservation procedures shall be the responsibility of the donee institution and shall be conducted according to procedures in common use among American medical and dental schools. The provisions of RSA 325 shall not apply to this section.

HBI 2002, relating to alcohol education programs for DWI offenders. Re-refer to Committee.

It appears that the Department of Alcohol and Drug Abuse Prevention is currently experiencing problems with the first-offender impaired-driver intervention program. They feel it is necessary to strengthen the definition of "successful completion." The program reports that it is finding approximately 75% of the clients have problems with alcohol which warrant further intervention and a very high recidivism rate. The Office of Alcohol and Drug Abuse Prevention would like some extra time to address this problem without being prevented from doing so in the second-year session. Vote 14-0. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

HB 175, relative to bail commissioners' fees. Ought to Pass with Amendment.

The amendment is the bill, which raises the fee for bail commissioners' fee to \$15. Also, if the defendant fails to pay, the court will collect and the fee will be \$20 with the extra \$5 going to the court. Vote 16-0. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend RSA 597:20 as inserted by section 1 of the bill by replacing it with the following:

597:20 Fees.

I. The bail commissioners in such cases shall be entitled to a fee of [\$7 when called between the hours of 9 o'clock in the morning and 5 o'clock at night,

Monday through Friday; and a fee of \$12 when called at any other time] **\$15**. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the municipal or district court is situated.

II. If a bail commissioner is unable to collect the fee under paragraph I, the district or municipal court shall collect a fee of \$20. Of this amount, \$5 shall be retained by the court and \$15 shall be remitted to the bail commissioner. In the event that the person arrested is indigent, the court may waive such fee.

AMENDED ANALYSIS

This bill allows bail commissioners to collect a standard fee of \$15. If the bail commissioner is unable to collect a fee, the court may collect a \$20 fee. Of this \$20 amount, \$5 shall be retained by the court and \$15 shall be remitted to the bail commissioner. When the person arrested is indigent, the court may waive the fee.

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity. Ought to Pass with Amendment.

This bill permits competent adults to name their own guardians in the event such a situation would develop. The amendment simply clarifies the language in paragraph II, page 2 of the bill. Vote 12-1. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend RSA 464-A:10, II as inserted by section 1 of the bill by replacing it with the following:

II. Any competent adult may nominate one or more persons to be guardian of his person or his estate, or both his person and his estate, and one or more substitutes in case of a nominee's inability to serve by a written instrument, executed in accordance with the requirements of RSA 477:9, and may name in such instrument any persons, other than a public guardianship and protection program, he wishes to exclude from consideration as guardian. Such nomination and exclusion shall continue until revoked, shall be effective for both ordinary guardianships and temporary guardianships under RSA 464-A:12, and shall survive the subsequent mental or physical disability or incompetence of the signer. A person nominated as guardian who is otherwise legally qualified and willing to serve shall be appointed unless the court finds as a fact that such person would not be able to carry out the reasonably foreseeable duties of a guardian in the particular circumstances. Under no circumstances shall the court appoint as guardian a person excluded from consideration by name in the instrument.

HB 263, relative to a committee to study establishing a family court. Inexpedient to Legislate.

There is no real need for a further study of this issue. A two-year study was done in 1983-84. This study proposed a pilot study for adjudicating marital disputes. What the General Court needs to do now, is to implement the proposal. Vote 16-1. Rep. Alf E. Jacobson for Judiciary.

HB 388-FN, establishing a study committee to examine the current state laws on bail and recognizances. Inexpedient to Legislate.

Because of the massive confusion resulting from the passage of a new Bail Law (SB 238-1988), the Committee decision was to return to the old Bail Law via HB 738, and then those who are directly related to the bail process can come before the General Court with specific requests for particular changes for any adjustment to the Bail Law. Vote 15-1. Rep. Alf E. Jacobson for Judiciary.

CACR 8, relating to providing child care services for legislators. Providing that members of the legislature be provided on-site child care services or be compensated for having to obtain child care. Inexpedient to Legislate.

CACR 8 requires the state to provide members of the Legislature with on-site child care or to be compensated for such care in the amount of \$20 a day to help repay the cost of such services in order to serve in the Legislature.

The Committee feels the concept is worthwhile, however, the average age within this Legislature is 56.3 years and could not justify the expense at this time. Vote 12-0. Rep. Ann M. Torr for Legislative Administration.

HB 633-FN, establishing a study committee to examine ethics in government involving public officials and public employees. Inexpedient to Legislate.

The subject of an ethics committee was considered in earlier legislation (HB 704) by the Committee. It was unanimously rejected as unnecessary by the Committee and the entire House. HB 633 is similar and just as unnecessary. There is no demonstrated need for an ethics committee or an ethics study committee. The ethics of public officials in New Hampshire are reviewed whenever there is an election. In addition, there exists statutes and rules that adequately and effectively address this issue. Vote 14-0. Rep. Vincent J. Palumbo, Jr. for Legislative Administration.

HB 667-FN, relative to aircraft owned, leased, or operated by the state. Inexpedient to Legislate.

To the satisfaction of a majority of the Committee, HB 667 was determined to be unnecessary for a large variety of reasons.

First, HB 667 would amend RSA 422, the New Hampshire Aeronautics Act, which already clearly states that "the Commissioner (of Transportation) is authorized to adopt rules under RSA 541-A relative to the use of aircraft" leased, maintained, and operated by the state.

Second, the two planes that prompted the filing of HB 667 are owned by the state through the Department of Safety (one traffic plane, one general purpose plane for investigations, etc.). The Commissioner of Safety is authorized under RSA 21-P:14 to adopt rules under RSA 541-A relative to the use of all department equipment. Therefore, it would not be reasonable or responsible to establish conflicting statutes.

Third, the Commissioner of Safety testified to the fact that currently, logs are kept relative to flight time, departure and arrival time and scheduled and unscheduled maintenance. Furthermore, plans are in the works for a log to be kept relative to passengers and any other state department's usage.

Finally, the Department of Safety uses the general purpose plane for a large variety of criminal investigative work, drug trafficking surveillance, observation of illegal hazardous material transportation, and witness transport purposes. To say the least, it would be counter-productive to statutorily create a means for

criminals and drug traffickers to know when, where, and how they would be under surveillance. Vote 11-5. Rep. Vincent J. Palumbo for Legislative Administration.

HB 468, relative to hearings on bond issues prior to town meetings. Inexpedient to Legislate.

House Bill 468 would make it extremely unclear as to what items would be placed on the warrant for a town meeting. While understanding the sponsors' concerns for more public participation and information, the Committee feels the existing law already addresses this issue. The Committee is of the opinion that a proposed amendment would only serve to further confuse the issue. Vote 17-0. Rep. Karen O. Wadsworth for Municipal and County Government.

HB 488, relative to regional cooperation on solid waste disposal. Ought to Pass with Amendment.

House Bill 488 adds counties as governmental entities which may join with towns in the cooperative effort to solve the solid waste problem. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Regional Cooperation. Amend RSA 149-M by inserting after section 13 the following new section:

149-M:13-a Regional Cooperation. The selectmen of towns, the county commissioners for the unincorporated places, the mayor and council of each city and the commissioners of each county are authorized to enter into cooperative agreements with other towns, cities, unincorporated places and counties to provide a regional facility for the collection, separation or recycling of solid waste at mutually agreed upon sites. The selectmen, mayor and council, or commissioners, as the case may be, are authorized to expend funds received from any source to establish and maintain such regional facilities and to provide for sharing the costs of establishing and maintaining such facilities in an equitable manner.

2 Repeal. RSA 147:44, relative to regional cooperation is repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the county commissioners to enter into cooperative agreements with towns and cities to provide regional facilities for solid waste disposal.

HB 527, relative to a waiting period between rezoning proposals. Inexpedient to Legislate.

This bill would remove citizens' rights to petition their government and their rights to a rehearing on a zoning proposal. The bill would create the only area in law where a town would be unable to consider prior actions. Vote 17-0. Rep. Leona Dykstra for Municipal and County Government.

HB 715, relative to a capital improvement plan; the capital budget; and a debt management plan. Ought to Pass.

This bill will set up a procedure for developing a 10-year long range capital improvement plan. It also establishes a debt management overview committee. This committee shall have oversight power over all debt management policies and

shall act as the Legislature's liaison with the bond rating organizations. Vote 16-0. Rep. Beaton Marsh for Public Works.

Referred to Appropriations.

SB 96-A, relative to the Portsmouth district court and making an appropriation therefor. Ought to Pass.

In 1981 the city of Portsmouth built a District Courthouse as a courthouse with two finished courtrooms and one unfinished. The Judicial Branch now leases the building for \$126,000 per annum. The city and the Judicial branch have negotiated the purchase price and entered into a purchase and sale agreement which expires April 1. The Committee believes it would be in the best interests of all concerned that this bill be passed. Vote 16-0. Rep. Daniel P. McNerney for Public Works.

Referred to Appropriations.

HB 546-FN, relative to the water protection assistance program. Ought to Pass with Amendment.

This bill, as amended, provides that the Office of State Planning will adopt rules to serve as guidelines for the development of local water management and protection plans, which may be incorporated in municipal master plans. The Office of State Planning will continue to review the water plans and comment on the plans' consistency with the rules. Zoning ordinances will no longer be reviewed. Technical assistance from the Department of Environmental Services is explicitly included. The net result of changes in this statute should be more help and less hassle. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Program Administration. Amend RSA 4-C:20 to read as follows:

4-C:20 Program Administration.

I. The office shall adopt rules under RSA 541-A [relative to criteria for water protection and suggested model language] to *serve as a* guide *to* municipalities in the development of local water resources management and protection plans as provided in RSA 674:2, VIII, and other appropriate protection measures. [Such criteria and model language shall reflect the experience of regional planning commissions and councils, hereinafter referred to as regional planning agencies.]

II. The program shall be implemented by the office primarily through the established regional planning agencies. Other technical services and advice[, including that available from the university system of New Hampshire,] may also be utilized. The program shall be coordinated with plans and programs of other state agencies, especially those of [the division of water supply and pollution control, the division of water resources, the wetlands board, and the division of waste management, hereinafter referred to collectively as the water agencies,] *the department of environmental services, and regional planning agencies*, and with activities of the county conservation districts. The office may authorize regional planning agencies to perform specific phases of the administration of this subdivision, especially the collaboration with municipalities.

2 Local Plans. Amend RSA 4-C:22, I is repealed and reenacted to read as follows:

I. A municipality may include in its master plan a local water resource management and protection plan, hereafter referred to as the local water plan. Prior to adoption by a municipality, the local water plan shall be submitted to the office for review and comment. A written report commenting on the plan's consistency with the adopted rules shall be submitted to the municipality proposing the plan and shall be kept on file at the office of state planning with the proposed plan to be made available to the public upon reasonable request and payment for any costs incurred in the duplication of the report. Revisions to the local water plan shall be reviewed in similar fashion.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

AMENDED ANALYSIS

This bill requires the office of state planning to adopt rules to guide municipalities in development of local water resources management and protection plans. The office provides review and comment on local plans to municipalities.

Local plans are implemental through municipal ordinances. Assistance is available to municipalities through the water protection assistance programs of the office and programs of the department of environmental services.

HB 728, relative to water conservation plumbing fixtures. Ought to Pass with Amendment.

This bill, as amended, strikes a reasonable compromise between hasty legislation mandating untested and unreliable water conservation measures and the continued procrastination which results in an unnecessary volume of polluted waste water being discharged into the surface and ground waters of this state. It is already too late to leave to our offspring the pristine state which we inherited, but we need not bequeath them an open sewer. Vote 13-2. Rep. Donald L. Roulston for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Water Conservation. Amend RSA 329-A by inserting after section 16 the following new section:

329-A:16-a Plumbing Products and Water Conservation.

I. For all sink and lavatory faucets and shower heads installed in new construction on or after January 1, 1991, in accordance with this chapter, maximum flow shall not exceed 3 gallons of water per minute when tested in accordance with American National Standards Institute (ANSI) A 112.18.1 M.

II. The performance standards of paragraph I shall not apply to water closets, urinals, or associated flushing mechanisms, or to fixtures and fittings such as emergency showers, aspirator faucets, and blowout fixtures that, in order to perform a specialized function, cannot meet such standards.

III. Manufacturers shall certify to the board that their plumbing fixtures and fittings comply with the water conservation performance standard under this section. Such certification shall be based on independent test results in accordance with ANSI standards.

2 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill requires plumbing products which are installed on or after January 1, 1991, to be equipped with water conservation features.

HB 496, relative to when water companies are public utilities. Inexpedient to Legislate.

The objectives of this bill are covered in the amended version of HB 616. Therefore, the Committee voted 11-0 to make this bill Inexpedient to Legislate. Rep. Susan N. Harlan for Science, Technology and Energy.

HB 617-FN, relative to the public utilities commission appointing a receiver for a public water utility. Ought to Pass with Amendment.

House Bill 617 gives the Public Utilities Commission authority to appoint a receiver or direct its staff to restore service to customers for a small water utility failing to provide an acceptable level of service. This authority is granted for 30 days only, after which formal PUC hearings are required. Vote 14-0. Rep. Susan N. Harlan for Science, Technology and Energy.

Amendment

Amend RSA 374:47-a as inserted by section 1 of the bill by replacing it with the following:

374:47-a receiver for Water Utilities. In addition to the procedure in RSA 374:41-47, whenever the commission finds that a water utility regulated by the commission and having gross annual revenues of less than \$100,000 is failing to provide adequate and reasonable service to its customers, and after notice and hearing, the commission may appoint a receiver or direct its staff to take such temporary action as is necessary to assure continued service. In carrying out its responsibilities, the staff shall have the authority to gain access to all company water utility assets and records, and to manage the company's assets in a manner which will restore or maintain an acceptable level of water service. They shall be authorized to expend existing company water utility revenues for labor and materials and to commit additional expenditures as are essential to providing an acceptable level of water service, such expenditures to be funded in accordance with generally accepted ratemaking practices. Any costs incurred by the commission, its staff or appointed receiver under this section shall be responsibility of the water utility or its customers. The authority vested in this section shall be for a period of no more than 30 days, unless the commission otherwise directs after hearing and order.

AMENDED ANALYSIS

This bill would authorize the public utilities commission, after notice and hearing, to appoint a receiver, or to manage with staff personnel, a water utility that is failing to provide adequate and reasonable service to its customers.

This authority would be for a limited period, unless the commission finds it necessary to extend the time.

The costs shall be borne by the water utility or its customers.

HB 656-FN, relative to resellers of telecommunication services. Inexpedient to Legislate.

House Bill 656 proposes to exempt resellers of intrastate communications from regulation by the Public Utilities Commission. Testimony revealed that there is

currently a "precedent-setting" case before the PUC on this specific issue. The Committee, therefore, felt it inappropriate to pass legislation at this time. Vote 9-3. Rep. Charles C. Vogler for Science, Technology and Energy.

HB 706-FN, relative to eliminating PUC jurisdiction over contracts between municipalities and other entities. Inexpedient to Legislate.

The objectives of this bill are covered in the amended version of HB 616. Vote 11-0. Rep. Susan N. Harlan for Science, Technology and Energy.

HB 754, relative to the offering of energy services by electric utilities. Inexpedient to Legislate.

The Committee honored the request of the sponsor to make this bill Inexpedient to Legislate. Vote 13-0. Rep. Beverly T. Rodeschin for Science, Technology and Energy.

HB 244-FN, allowing museums to obtain title to property loaned for an indefinite time. Ought to Pass.

The Committee felt that passage of this bill would facilitate the operations of the museums and historical associations around the state and would clarify ownership and title to artifacts held under loan and remain unclaimed. Vote 17-0. Rep. Karen McRae for State Institutions and Housing.

HB 349-FN-A, establishing a study committee to examine campus use at Laconia developmental services and making an appropriation therefor. Inexpedient to Legislate.

The subject matter of this bill has merit and deserves study. However, the Subcommittee felt that the policy committee would do the same study without fiscal impact to the State and it recommends that the Committee on State Institutions and Housing make such a study as part of its ongoing study of such policy matters and the full Committee concurred. Vote 15-0. Rep. Elsie Vartanian for State Institutions and Housing.

HB 638, relative to evictions in the wintertime. Inexpedient to Legislate.

The issues raised at the hearing on both this bill and HB 685 were very similar. The Committee feels that the issue of tenant evictions, including wintertime evictions, should be studied together and therefore recommend Inexpedient to Legislate since the topic will be studied as part of HB 685. Vote 14-2. Rep. Elsie Vartanian for State Institutions and Housing.

HB 641-FN, relative to withholding conservation funds from communities which do not provide low and moderate income housing. Inexpedient to Legislate.

The bill ties the issues of affordable housing and land conservation, issues of equal importance, but separate. The pursuit of one goal should not hinder the pursuit of the other which this bill would do. It is for this reason that the Committee found the bill Inexpedient to Legislate. Vote 14-0. Rep. Scott E. Green for State Institutions and Housing.

HB 685-FN, relative to tenant evictions. Re-refer to Committee.

The issues raised at the hearing on HB 638 and HB 635 were very similar. The Committee feels that the issue of tenant evictions including wintertime evictions should be studied together. Vote 13-3. Rep. William H. McCann, Jr. for State Institutions and Housing.

HB 26-FN, relative to license plates for retired veterans. Inexpedient to Legislate.

The testimony given to the Committee did not convince it to recommend a special plate be issued to the 24,000 retired veterans living in New Hampshire. Vote 15-0. Rep. Roger Stewart for Transportation.

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover. Ought to Pass.

Willand Pond is approximately 86 acres in size, 90% in Somersworth, the remainder in Dover. Both cities have passed ordinances prohibiting internal combustion engines from the pond. Dover has a well recharged from the pond. This well is maintained as an emergency water source. The Committee felt, by a vote of 12-0, the bill should be passed and the ordinances be reinforced by state statutes. Rep. Roger Stewart for Transportation.

HB 55, prohibiting the use and operation of ski craft on Country Pond in the towns of Kingston and Newton. Inexpedient to Legislate.

The intent of this bill was to prohibit the use and operation of ski craft as defined in RSA 270:73. Testimony verified this pond to be more than 200 acres with certain open areas where this type of craft could be used safely. Those testifying at the hearing seemed to be able to compromise on designated times and areas for this type of craft. The Committee felt no legislation was necessary at this time. Vote 13-2. Rep. Richard L. Haynes for Transportation.

HB 111, relative to moorings. Ought to Pass with Amendment.

This bill enables the Director of Safety Services or his agents to remove from certain lakes any mooring which does not have an appropriate mooring decal without a hearing prior to this action. It also makes it illegal for a permittee to move or cause to be moved an authorized mooring without Department of Safety approval. It would appear that there are approximately 2400 illegal moorings on these five lakes, Winnepesaukee, Winesquam, Newfound, Sunapee and Squam. Vote 11-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend RSA 270:59, VIII as inserted by section 2 of the bill by replacing it with the following:

VIII. "Shorefront property" means any property recognized as a legal building lot by a municipality, having shore frontage on public waters, *including 2 lot on the public waters that is divided by a road so that the buildable portion of the lot is on the opposite side of the road from the public waters*. Shorefront property shall not mean a deeded right-of-way, nor shall it mean lots not contiguous to the shore with any other type of legal shorefront access. For the purposes of this subdivision, property owned in common by condominium associations or other groups shall be deemed owned by the group and shall not convey any rights under this subdivision to its individual members.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect October 1, 1989.

HB 112-FN, relative to enforcing the boating laws. Ought to Pass with Amendment.

This bill enables the Department of Safety to instigate a pilot program of volunteer marine patrol to assist the Director of Safety Services and his marine patrol officers to patrol the bodies of water in New Hampshire. The volunteers may be compensated, but would not have arrest powers. However, a report by a volunteer to a marine patrol officer shall be prima facie evidence to the violation. Volunteers will be indemnified as state employees from civil actions, but not from criminal acts. Vote 10-0. Rep. Richard L. Haynes for Transportation.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Volunteer Marine Patrol. Amend RSA 270 by inserting after section 12-b the following new section:

270:12-c Volunteer Marine Patrol.

I. The commissioner of safety may establish a volunteer marine patrol to assist the director of safety services and his marine patrol officers to patrol the various bodies of water in the state.

II. A person appointed by the commissioner as a volunteer marine patrol officer may be compensated for his services but said person shall not have arrest powers of a peace officer. However, a report of a volunteer marine patrol officer to a marine patrol officer or other authority shall be prima facie evidence relative to the violation or offense reported.

III. The commissioner shall furnish suitable equipment to a volunteer marine patrol officer, as he may deem necessary, to distinguish the volunteer marine patrol officer as an individual acting in an official capacity.

IV. Any person appointed by the commissioner as a volunteer marine patrol officer, who is actually performing volunteer marine patrol duties on a body of water in the state, shall be considered a state employee for the purpose of defense and indemnification from civil suits under RSA 99-D; provided, however, that such a volunteer shall not be indemnified from any civil suit arising out of a criminal act.

AMENDED ANALYSIS

This bill authorizes the commissioner of safety to appoint volunteer marine patrol personnel to assist the duly appointed marine patrol officers on the various bodies of water in the state.

These volunteers may be compensated and will be provided with suitable equipment, as deemed necessary by the commissioner.

The volunteers shall not have arrest powers of a peace officer but the subject of their report to a marine patrol officer shall be prima facie evidence of the offense cited.

The volunteers are indemnified as state employees from civil action, but not if the civil action arises from a criminal act.

The bill reduces the penalty for certain boating violations from a misdemeanor to a violation.

This bill amends the requirements for reports on boating accidents or drownings from a boat.

This bill is a request of the department of safety.

HB 177, reducing the speed limit in business and urban residence districts. Ought to Pass with Amendment.

This bill, as amended, would add to RSA 265:63 a paragraph which would allow local authorities to decrease the speed limit within any business or urban district within their jurisdiction to not less than 25 mph. Vote 15-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing local authorities to reduce the speed limit in
business and urban residence districts.

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Speed Limit in Business and Urban Residence Districts. Amend RSA 265:63, I to read as follows:

I. Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the prima facie speed permitted under this chapter is greater or less than is reasonable and safe under the conditions found to exist upon a way or part of a way, the local authority may determine and declare a reasonable and safe prima facie limit thereon which:

(a) Decreases the limit at intersections; or

(b) Increases the limit within an urban district but not to more than 60 miles per hour; [or]

(c) Decreases the limit outside an urban district but not to less than 30 miles per hour[.]; or

(d) Decreases the limit within any business or urban residence district but not to less than 25 miles per hour.

AMENDED ANALYSIS

This bill authorizes local authorities to decrease the speed limit in business or urban residence districts, but not to a limit less than 25 miles per hour.

HB 184, relative to driving left of center of roadways. Ought to Pass with Amendment.

This bill amends the law which restricts the designating of passing zones within 100 feet of intersections and railroad crossings, and allows, by pavement markings for the implementation of these zones. With the addition of many new subdivisions, if the current law were not amended, the state would lose many existing passing zones. Vote 15-0. Rep. Keith Markley for Transportation.

Amendment

Amend the bill by replacing section 1 with the following:

1 Approaching Intersection or Railroad Crossing. Amend RSA 265:21, I(b) to read as follows:

(b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing[;], *unless otherwise indicated*;

AMENDED ANALYSIS

This bill prohibits the driving of a vehicle to the left side of the roadway when approaching within 100 feet of or traversing any intersection or any railroad grade

crossing unless otherwise indicated. Current law does not allow railroad grade crossings to be "otherwise indicated".

HB 222, prohibiting ski craft and limiting horsepower of motors on Indian Pond in the town of Orford. Ought to Pass with Amendment.

This bill would prohibit any person using or operating any power boat equipped with a motor exceeding 10 horsepower or in excess of trolling speed upon Indian Pond. After listening to the testimony, all of which was in support, the Committee felt the unique characteristics of this pond would lend it to support the passage of the bill. The amendment deletes any reference to ski craft since they would not be allowed under the conditions of part I. Vote 11-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

limiting horsepower of motors on Indian Pond in the town of Orford.

Amend RSA 486:38 as inserted by section 1 of the bill by replacing it with the following:

486:38 Indian Pond.

I. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower or in excess of trolling speed upon Indian Pond in the town of Orford.

II. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill limits the horsepower of motors and regulates the speed of motors, on Indian Pond in the town of Orford.

HB 236, relative to license plates for antique motor cars. Inexpedient to Legislate.

This was a request to create still another group of special plates. Discussion at the hearing indicated that persons desiring this plate would be willing to procure them as vanity plates with details to be arranged by the Commissioner of the Department of Safety. Vote 12-2. Rep. Irvin H. Gordon for Transportation.

HB 270-FN, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor. Ought to Pass with Amendment.

As a policy-making unit of the House, the Transportation Committee endorses HB 270 as amended on a vote of 12-0. It is critical that a motorcycle safety education program be initiated. Funding would be accomplished with increases in permits, license and registration fees. To inspire new applicants to participate, the New Hampshire Insurance Department is urged to adopt rules whereby reduced premiums are available for the graduated motorcycle operator. Rep. James J. White for Transportation.

Amendment

Amend RSA 263:34-b, I as inserted by section 1 of the bill by replacing it with the following:

I. The director shall establish standards for and shall administer the motorcycle rider education program. The program shall include, but is not limited to, a rider training course, which is at least the equivalent to the Motorcycle Safety Foundation Course and instructor training. The director may expand the program to include public awareness, alcohol and drug effects, driver improvement for motorcyclists, licensing improvement, program promotion or other motorcycle safety programs.

Amend RSA 263:34-i, II as inserted by section 1 of the bill by replacing it with the following:

II. In addition to any other permit or license or endorsement fee for a motorcycle learner's permit or motorcycle license or endorsement, and for each license renewal, an additional fee of \$5 shall be assessed and collected by the department.

HB 304, relative to the horsepower of motors used and operated on Spectacle pond in the towns of Enfield and Grafton. Inexpedient to Legislate.

The intent of this bill was to raise the limitations of horsepower of motors on Spectacle Pond from 10 horsepower to 50 horsepower. In early 1988 legislation was enacted to limit the horsepower of boats to 10 horsepower on Spectacle Pond. After hearing testimony, the Committee felt that Spectacle Pond could not endure 50 horsepower motors. It would appear that the pond is quiet and serene and a habitat for loons and other wildlife. Vote 12-0. Rep. Richard L. Haynes for Transportation.

HB 317, establishing a volunteer marine patrol program. Inexpedient to Legislate.

This bill would have empowered the Commissioner of Safety to appoint volunteer marine patrol personnel to assist the duly-appointed marine patrol officers on the various bodies of water in the state. After intensive testimony on HB 112, a very similar bill which more clearly defines the duties and power of this volunteer marine program, it was felt HB 317 was not necessary. Vote 13-0. Rep. Richard L. Haynes for Transportation.

HB 383-FN, relative to special license plates and widows of former prisoners of war. Inexpedient to Legislate.

The Committee felt the widow of a former prisoner of war should not be allowed to use the special number plate issued to her husband. Vote 13-0. Rep. Roger Stewart for Transportation.

HB 648-FN, relative to vehicles impeding the flow of traffic. Inexpedient to Legislate.

No one appeared to testify at the scheduled hearing on this bill. The hearing was recessed and notification was given of a time when testimony would be taken and again, no one appeared. Vote 15-0. Rep. Irvin H. Gordon for Transportation.

HB 649-FN, relative to special number plates for firefighters. Inexpedient to Legislate.

This bill authorizes the Director of the Division of Motor Vehicles of the Department of Safety to issue special plates for firefighters. There are currently adequate legal means for proper identification of firefighters to provide for speedy and safe means for firemen to get to fires. The Committee by a vote of 13-

3 didn't feel there is a need for special plates for firefighters. Rep. Kenneth W. Malcolm for Transportation.

HB 119-FN, making technical changes in certain revenue statutes for the department of revenue administration. Ought to Pass with Amendment.

House Bill 119 was presented to the Committee by the Department of Revenue Administration as a housekeeping bill after an audit showed that payments, required by statute, were not being made in a timely manner. This bill makes minor changes so the Department of Revenue Administration can comply and make payments on time. It also amends the current law to reflect the most recent changes in the Federal Tax Code. Vote 12-0. Rep. Roland A. Sallada for Ways and Means.

Amendment

Amend the bill by replacing section 11 with the following:

11 Flood Control Reimbursements. Amend RSA 122:4 to read as follows:

122:4 Reimbursement to Cities and Towns. On [or before the first day of October of each year,] *a date not later than 30 days after the last local tax rate in the state has been determined for the current tax year*, the state treasurer shall pay to each town and city in which any taxable real estate or interest therein has been acquired [hereunder] *under this chapter* by the United States and thus become tax exempt for such year, a sum equal to the taxes which would have been assessed against [said] *the* real estate or interest therein in such town or city if the same had been included in the list of taxable property for such year at an assessed valuation of the same determined as provided in this section. For land acquired by the United States [herein] *under this chapter*, reimbursement shall be made upon a valuation determined as provided herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land hereunder. For all artificial improvements on land acquired by the United States [herein] *under this chapter*, including buildings, structures and other artificial real estate fixtures of [whatsoever] *any* kind [and nature], reimbursement shall be made upon a valuation determined initially as provided herein and thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States [hereunder] *under this chapter* the initial assessed valuation of the [same] *land and improvements* for purposes of reimbursement shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the commissioner of revenue administration acting as a joint board, so as to make such valuation proportional to the value of all other property in such town or city subject to taxation[; and]. For purposes of this section the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided[; and]. The valuations of improvements thus determined shall thereafter be annually reduced over a 40-year period as above provided. On land, and artificial improvements, the valuations initially established as above provided in a town or city shall be reviewed by the commissioner at least once in every 5 years and more frequently if reasonably necessary and be changed as necessary to make them

proportional with the assessed value of all other taxable property in such town or city. The amount of the reimbursement due to each town and city hereunder shall be determined by the commissioner and certified by it to the state treasurer [on or before the fifteenth day of September of each year] *not later than 30 days following the establishment and approval of the tax rates of each town and city under this chapter*. The commissioner shall reduce the amount of reimbursement thus determined by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. The governor is authorized to draw his warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated. Provided, however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated.

Amend the bill by replacing sections 14 and 15 with the following:

14 Allocation of Franchise Tax. RSA 84:16-e is repealed and reenacted to read as follows:

84:16-e Franchise Tax Allocation. A portion of the tax imposed under the provisions of RSA 84:16-c shall be retained in the state treasury and applied against the cost of examination and supervision of the bank commissioner as provided in RSA 383:9, and shall be set at the fiscal year 1981 level.

15 Internal Revenue Code Redefined. RSa 77-A:1, XX is repealed and reenacted to read as follows:

XX. "United States Internal Revenue Code" means:

(a) The United States Internal Revenue Code without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

(b) For all tax years beginning before January 1, 1987, the United States Internal Revenue Code (1954) as amended; and

(c) For all tax years beginning after December 31 1986, the United States Internal Revenue Code of 1986 in effect on December 22, 1987; and

(d) For all tax years beginning after December 31, 1987, the United States Internal Revenue Code of 1986 in effect on November 10, 1988.

16 Repeal. The following are repealed:

I. RSA 77:30-a, relative to a question on the inventory blank.

II. RSA 84:16-a, relative to a report of information.

17 Effective Date.

I. Section 15 of this act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods ending after November 10, 1988.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill was requested by the department of revenue administration.

The bill:

- (1) Changes the time by which the commissioner of revenue administration must file his report with the secretary of state showing all taxable property in the state.
- (2) Clarifies the amount of assets allowable under the elderly exemption.
- (3) Requires that fees paid under the current use tax be in accordance with the fee schedule for registers of deeds.
- (4) Changes the assessment duties of the commissioner of revenue administration in unincorporated or unorganized places.
- (5) Changes the tax abatement procedure for public forest lands.
- (6) Repeals provisions relative to a question on the inventory blank; and reports of information under the distribution of the savings bank tax.
- (7) Changes the time for flood control reimbursements to cities and towns.
- (8) Changes the date for reimbursement to cities and towns for funds involving public forest lands.
- (9) Amends the procedure for auditing accounts in refuse disposal districts.
- (10) Amends the definition of "United States Internal Revenue Code" for business profits tax purposes.

HB 265-FN-A, relative to telephone and telegraph company taxes. Re-refer to Committee.

This bill does not address the inequity of our current tax structure dealing with the telecommunications industry. The Committee feels that if this bill is re-referred, then the tax structure can be studied and possibly produce a bill to be presented in the next session that will be equitable to all facets of the industry. If this bill is passed as written, it will decrease state revenues by \$800,000 per year. Vote 13-0. Rep. Roland A. Sallada for Ways and Means.

HB 320-FN-A, relative to the penalty for overdue payments under the interest and dividends tax. Ought to Pass with Amendment.

The Committee felt that the current \$50 penalty was not necessary. The Department of Revenue Administration concurred with the Committee's agreement to repeal the penalty. The fiscal impact is negligible: \$2,000 in 1990 and \$3,000 in 1991. Vote 12-0. Rep. Garret P. Cowenhoven for Ways and Means.

Amendment

Amend RSA 77:30, II as inserted by section 1 of the bill by replacing it with the following:

II. For purposes of the application of RSA 21-J:31 to this chapter, if a return is not filed when due and is not deemed to be a fraudulent return within the provisions of paragraph I, then neither the \$10 nor the \$50 alternate penalties of RSA 21-J:31 shall apply to the return.

AMENDED ANALYSIS

This bill provides that if a return under the interest and dividends tax is not filed when it is due and is not a fraudulent return, then neither the \$10 nor the \$50 alternate penalties under RSA 21-J:31 relative to failure by a taxpayer to file his return shall apply to the interest and dividends tax return.

HB 342-FN-A, relative to a new exemption under the inheritance tax. Inexpedient to Legislate.

The Committee felt that this bill should be inexpedient on two counts: (1) the possibility of exemption from the inheritance tax of persons not consonant with the intent of the existing law, and (2) state revenue could be reduced by \$13,500,000 in FY89, \$14,175,000 in FY90 and \$14,883,750 in FY91. The whole Committee gulped at this projected loss of revenue. Vote 12-0. Rep. David M. LaMar for Ways and Means.

(Regular Calendar)

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. Ought to Pass with Amendment.

This bill was requested by the Board of Claims and appropriates \$50,000, the maximum allowed under the law. The amendment appropriates \$23,205 in interest from 1985, at the State's rate of 10%, as provided by law. Vote 19-1. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation; Claim Against the State. The sum of \$73,205 is hereby appropriated to the attorney general to pay the award recommended by the board of claims in the action Dorothy A. Hartman v. Department of Public Works and Highways and interest on the award. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation to pay an award recommended by the state board of claims in Dorothy A. Hartman v. Department of Public Works and Highways.

This bill was requested by the board of claims.

Amendment adopted.

Ordered to third reading.

HB 24-FN-A, relative to the bicentennial commission and making an appropriation therefor. Ought to Pass with Amendment.

This bill will extend the New Hampshire Bicentennial Commission until December 31, 1991 and appropriates \$25,000 to the Commission.

The amendment eliminates the appropriation.

The bill, as amended, will allow the Commission to continue its work using monies remaining in its non-lapsing account until December 31, 1991. Vote 20-0. Rep. Howard C. Townsend for Appropriations

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the bicentennial commission.

Amend the bill by replacing section 1 with the following:

1 Bicentennial Commission; Appropriation. Amend 1985, 299:5 as amended by 1987, 59:1 and 1988, 254:79 to read as follows:

299:5 Appropriation. The sum of \$20,000 is hereby appropriated to the New Hampshire bicentennial commission on the United States Constitution established by

this act and 1981 senate concurrent resolution 2, for the fiscal year ending June 30, 1985, the sum of \$150,000 is hereby appropriated to such commission for the fiscal year ending June 30, 1987, and the sum of \$25,000 is hereby appropriated to such commission for the fiscal year ending June 30, 1988, for the purposes of enabling the commission to prepare an appropriate commemoration of this historic event. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The appropriations shall be deposited in a separate nonlapsing fund to be known as the United States Constitution bicentennial commission fund which shall be administered by the office of legislative accounting. In addition to the \$20,000, \$150,000, and \$25,000 appropriations made under this section, all moneys received under section 2, II of this act are also appropriated to the commission for the purposes of this act. The appropriations shall not lapse [on June 30, 1985, on June 30, 1987, or on June 30, 1988]. The commission may expend moneys from the fund for its purposes through December 31, [1988] **1991**, and shall not cease to exist until December 31, [1988] **1991**. Any moneys remaining in the fund on December 31, [1988] **1991**, shall not lapse and shall be deposited in the historical fund established by RSA 177:4-b.

AMENDED ANALYSIS

This bill extends the New Hampshire bicentennial commission to December 31, 1991.

Rep. Russell Chase spoke to the amendment.

Amendment adopted.

Ordered to third reading.

HB 66, removing the exemption of health maintenance organizations from certain laws. Ought to Pass with Amendment.

This bill is intended to insure the financial well-being of the state's health maintenance organizations by requiring them to annually renew their certificates of authority, and if there has been a substantial change in their finances or management. The bill also clarifies the applicability of laws regarding fund administration and other alternative benefits offered by the health maintenance organizations. Finally, HB 66 also sets financial requirements for new and current health and maintenance organizations. Vote 14-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to health maintenance organizations.

Amend the bill by replacing all after the enacting clause with the following:

1 Amend RSA 400-A:39, III to read as follows:

III. Each insurer *domiciled in this state*, including non-profit health services corporations[,] organized pursuant to RSA 420-A, *and health maintenance organizations organized pursuant to RSA 420-B*, shall make payments to the fund on or before May 1 of each year, of its pro rata share of the next fiscal year's fiscal costs of the office of the commissioner to be appropriated out of the fund. [Said] *Such* share is to be computed in accordance with paragraph V of this section.

2 New Sections; Certificates of Authority. Amend RSA 420-B by inserting after section 5 the following new sections:

420-B:5-a Renewal of Certificate of Authority. The certificate shall be renewed annually on June 14 if the company complies with the requirements of this chapter, the commissioner regards it as safe, reliable, and entitled to confidence, and the company continues to conduct a meaningful business in New Hampshire, as determined by the commissioner.

420-B:5-b New License Required for Changed Conditions. The commissioner shall require a health maintenance organization to apply for a new certificate in accordance with this chapter, if, after notifying the organization and after holding a hearing, if requested, the commissioner finds that the organization has undergone a substantial change in finances or managerial control since its last application for a certificate. The current certificate shall expire upon approval of the new application or 30 days after the decision of the commissioner that a substantial change has occurred, whichever is sooner.

3 New Section; Health Maintenance Organization Benefits. Amend RSA 420-B by inserting after section 8-a the following new section:

420-B:8-b Health Maintenance Organization Benefits for Mental and Nervous Conditions. Benefits for mental or nervous conditions shall conform to the requirements of 415:18-a, III or alternatively with the basic health services requirements of the Health Maintenance Organization Act of 1973 (P.L. 93-222), any amendments, and federal regulations issued under the authority of such federal law. However, where a health maintenance organization provides these alternative benefits, such benefits shall not be subject to any deductible. The coinsurance required by the enrolled participant shall not exceed 20 percent of the reasonable and customary charge for the services provided.

4 New Paragraph; Construction. Amend RSA 420-B:20 by inserting after paragraph II the following new paragraph:

III. The requirements of RSA 400-A:39, RSA 402-C and RSA 415:18, VII, (g)(4) shall apply to health maintenance organizations.

5 New Sections; Requirements for Certificate of Authority. Amend RSA 420-B by inserting after section 23 the following new sections:

420-B:24 Notification of Option to Enroll in Health Maintenance Organization.

I. Each employer, public or private, in this state which offers its employees a health benefit plan and employs at least 25 employees, and each employee benefit fund in this state which offers its members any form of health benefit, shall make available to and inform its employees or members of the option to enroll in at least one health maintenance organization holding a valid certificate of authority which provides health care services in the geographic areas in which a substantial number of such employees or members reside; provided, however, that such employer or employee benefit fund shall not be required to make available or inform its employees or members about such option if no health maintenance organization is available to such employer or employee benefit plan. Where there is a prevailing collective bargaining agreement, the selection of the available health maintenance organizations shall be made pursuant to the agreement.

II. No employer in this state shall be required to pay more for health benefits as a result of the application of this section than would otherwise be required by any prevailing collective bargaining agreement or other contract for the provision of

health benefits to its employees, provided, that the employer or benefits fund shall pay to the health maintenance organization chosen by each employee or member an amount equal to the lesser of:

(a) The amount paid on behalf of its other employees or members for health benefits; or

(b) The health maintenance organization's charge for coverage approved by the commissioner.

420-B:25 Capital Requirements.

I. Before issuing a certificate of authority under this chapter, the commissioner shall require that the health maintenance organization have an initial net worth of \$1,500,000 and that the minimum net worth required under paragraph II is maintained.

II. Every health maintenance organization shall maintain a minimum net worth equal to the greater of:

(a) \$1,000,000; or

(b) Two percent of annual premium revenues as reported on the most recent annual financial statement filed with the commissioner on the first \$150,000,000 of premium and one percent of annual premium on the premium in excess of \$150,000,000.

III. A health maintenance organization certifies before the effective date of this act shall maintain a minimum net worth of:

(a) Twenty-five percent of the amount required by paragraph II by December 31, 1991.

(b) Fifty percent of the amount required by paragraph II by December 31, 1992.

(c) Seventy-five percent of the amount required by paragraph II by December 31, 1993.

(d) One hundred percent of the amount required by paragraph II by December 31, 1994.

IV. Every health maintenance organization shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures which have been incurred, whether reported or unreported, which are unpaid and for which such organization is or may be liable, and to provide for the expense of adjustment of settlement of such claims.

V. Such liabilities shall be computed in accordance with rules adopted by the commissioner upon reasonable consideration of the ascertained experience and character of the health maintenance organization.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill requires health maintenance organizations to renew their certificates of authority annually and to apply for new certificates where there has been a substantial change in finances or management.

The bill clarifies the applicability of laws regarding fund administration, insurers rehabilitation and liquidation and survivors benefits to health maintenance organizations.

The bill also requires certain employers to notify employees of the option to enroll in a health maintenance organization.

The bill further requires that health maintenance organizations have an initial net worth of \$1,500,000 before a certificate of authority is issued. A schedule is estab-

lished concerning the financial condition of companies which have already been granted certificates.

Amendment adopted.

Ordered to third reading.

HB 375-FN, relative to long-term care insurance for the elderly. Ought to Pass with Amendment.

This bill outlines the requirements for long-term care insurance policies sold in New Hampshire. The bill requires that all policies and certificates sold are guaranteed renewable and convertible, prohibits misleading and confusing language within the policy, defines pre-existing conditions and authorizes the Insurance Commissioner to adopt rules concerning long-term care insurance to protect those buying this insurance product. Vote 14-0. Rep. Patricia A. Fair for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the introductory paragraph of RSA 415-D:5, I as inserted by section 2 of the bill by replacing it with the following:

I. To establish specific standards, including standards of full and fair disclosure, that set forth the manner, content and required disclosures for the sale of long-term care insurance policies and certificates. These standards shall be in addition to, and in accordance with, applicable laws of this state, including RSA 415, 419, 420, and 420-A, as applicable, which may cover but shall not be limited to:

Amend RSA 415-D:6, I as inserted by section 2 of the bill by replacing it with the following:

I. An individual long-term care insurance policy shall not be cancelled, refused renewal, or otherwise terminated by the insurer, except where the required premium has not been paid by or on behalf of the insured; however, this shall not restrict or limit the insurer's right to rescind or revise a policy in the event of fraud or misrepresentation during the contestable period.

Amend RSA 415-D:6 as inserted by section 2 of the bill by inserting after paragraph II the following new paragraphs:

III. Unless the group policy from which conversion is made replaces previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. If the group policy from which conversion is made replaces previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.

IV. Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon that person's relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

Amend RSA 415-D:7 as inserted by section 2 of the bill by replacing it with the following:

415-D:7 Prior Institutionalization; Pre-existing Condition.

I. No long-term care insurance policy may be delivered or issued for delivery in this state if such policy:

(a) Conditions eligibility for any benefits on a prior hospitalization requirement; or

(b) Conditions eligibility for benefits provided in an institutional care setting on the receipt of a higher level of institutional care.

II. A long-term care insurance policy:

(a) Containing any limitations or conditions for eligibility other than those prohibited in paragraph I shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" such limitations or conditions, including any required number of days of confinement.

(b) Containing a benefit advertised, marketed or offered as a home health care or home care benefit may not condition receipt of benefits on a prior institutionalization requirement.

(c) Which conditions eligibility of non-institutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than 30 days for which benefits are paid.

III. No long-term care insurance policy or certificate shall use a definition of "pre-existing condition" which is more restrictive than the following: "Pre-existing condition" means the existence of a condition for which medical advice or treatment was recommended by, or received from a provider of health care services 6 months prior to the effective date of coverage of an insured person.

IV. No long-term care insurance policy or certificate shall exclude coverage for a loss or confinement which is the result of a pre-existing condition, unless such loss or confinement begins within 6 months following the effective date of coverage of an insured person.

V. The commissioner may establish limitation periods other than those set forth in paragraph III as to specific age group categories in specific policy forms upon finding that it is in the best interest of the public.

VI. The definition of "pre-existing condition" shall not prohibit an insurer from using an application form designed to elicit the complete health history of an applicant. On the basis of the answers on that application, the insurer may underwrite in accordance with the insurer's established underwriting standards. An insurer may not use riders or endorsements to exclude or limit benefits to individual insureds because of a specific health condition indicated by the medical history of the insured where the insured is to be provided group long-term care insurance.

VII. No long-term care insurance policy or certificate may provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

Amend RSA 415-D:9 as inserted by section 2 of the bill by replacing it with the following:

415-D:9 Right to Return. Insureds under individual long-term care policies and insureds under group policies or certificates issued pursuant to a direct solicitation of the individual applicants shall have the right to return the policy or certificate within 30 days of its delivery and to have the premium refunded if, after examination, the insured person is not satisfied for any reason. Such policies and certificates shall have the notice prominently printed on or attached to the first page of the policy or certificate. This section shall not apply in the case of a continuing care retirement community (CCRC) where the applicant has contractually agreed to purchase long-term care insurance as a condition of admission to the CCRC.

Amend RSA 415-D:10, II as inserted by section 2 of the bill by replacing it with the following:

II. The provisions of RSA 415:2, 415:3, 415:4, 419, 420, and 420-A, as applicable, shall be applicable to group long-term care insurance policy and certificate forms and any application, rider, endorsement, or amendment used with such forms.

Amend the introductory paragraph of RSA 415-D:11 as inserted by section 2 of the bill by replacing it with the following:

No insurer; fraternal benefit society; nonprofit health, hospital and medical service corporation; preferred provider agreement; health maintenance organization; or any similar organization may issue or deliver a group or blanket long-term care insurance policy in this state, nor shall such organizations, with respect to a group or blanket long-term care certificate representing coverage under a group long-term care insurance policy issued in this or some other state, issue or deliver said certificate to a resident of this state who is principally employed in this state, except where any one of the following conditions has been obtained:

Amendment adopted.

Ordered to third reading.

HB 378, relative to listing candidates on general election ballots. Inexpedient to Legislate.

The bill would change the form of the ballot used in state general elections by eliminating the party columns. The majority of the Committee felt that the bill would cause more problems than it would solve. Vote 7-5. Rep. Matthew J. Locke for Constitutional and Statutory Revision.

Rep. Jacobson moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Holden and Palumbo spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 69

NAYS 221

YEAS 69

BELKNAP

Campbell, Richard H., Jr. Maviglio, Steven R.

CHESHIRE

Hunt, John B. LaMar, David M.

Spear, Susan S.

Pratt, Irene A.

COOS

Buckley, C. Fitzgerald, III Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L. Chambers, Mary P.

Copenhaver, Marion L.

Guest, Robert H.

HILLSBOROUGH

Baldizar, Barbara J.

Barry, Vivian

Bourque, Ann J.

Burkush, Peter A.

Desrochers, Gerard T.

Dube, Ellen C.

Dwyer, Patricia R.

Frank, Nancy G.

Genest, Fernand A.

Green, Scott E.

Gureckis, Adam C., Sr.

Hall, Betty B.

Jean, Romeo W.

Jenkins, Mary

Johnson, Lionel W.

King, John A.
Lozeau, DonnaLee M.
Soucy, Lillian E.

Long, Linda D.
McRae, Karen

Lown, Elizabeth D.
Murphy, Robert E.

MERRIMACK

Daneault, Gabriel
Smith, Gerald R.

Hall, Douglas E.
Soldati, Jennifer

Jacobson, Alf E.

ROCKINGHAM

Bell, Juanita L.
Kane, Cecelia D.
Magoon, Harold F.
Ritzo, Eugene
Weddle, Michael R.

Flanders, Harry E.
Lovejoy, Virginia K.
McGovern, Cynthia A.
Splaine, John E., Sr.

Hollingworth, Beverly A.
MacKinnon, Nancy W.
Popov, Elizabeth M.
Warburton, Calvin

STRAFFORD

Flynn, Anita A.
Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Vincent, Francis C.

Flynn, Edward J.
Marston, Robert E.
O'Brien, John
Spencer, Leo J.

Frechette, Roland A.
McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe

Harland, Jane A.

Lucier, Edward A., Jr.

NAYS 221

BELKNAP

Ballou, Richard A.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Turner, Robert H.

Golden, Paul A.
Holbrook, Robert G.
Richardson, Lawrence
Vogler, Charles C.

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Chase, Russell C.
MacDonald, Kenneth J.
Wiggin, Allen R.

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Cole, Stacey W.
Foster, Katherine D.
Hill, Douglas E.
Perry, David M.

Delano, Robert F.
Gordon, Irvin H.
Laurent, John J.
Sawyer, Alfred P.

Doucette, Richard F.
Grodin, Richard A.
Morse, JoAnn T.
Young, David A.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Merrill, Gerald P.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.

Horton, Lynn C.
Marsh, Beaton
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Eno, Larry E.
Rose, William B.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

Bennett, Shirley M.
Dow, David O.
Nordgren, Sharon L.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.

Amidon, Eleanor H.
Bicknell, Robert C.

Barry, Janet G.
Boucher, Lionel R.

Bowers, Dorothy C.
 Daigle, Robert A.
 Domaingue, Jacquelyn M.
 Dyer, Merton S.
 Emerton, Lawrence A., Sr.
 Ford, Nancy M.
 Guilbert, Lionel
 Healy, Daniel J.
 Hunter, Bruce F.
 Klose, John F.
 Kurk, Neal M.
 Mason, Howard F.
 McNerney, Daniel P.
 Morrisette, Roland A.
 Pappas, Toni
 Provost, Gilles R.
 Riley, Frances L.
 Schneiderat, Catherine A.
 Stiles, Walter A.
 Tyree, Paul M.
 Wheeler, David K.

Apple, Lowell D.
 Beaton, Nancy C.
 Fair, Patricia A.
 Hill, Michael
 Lewis, Mary Ann
 Phelps, James D.
 Teague, Bert

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Conroy, Janet M.
 Drake, Herbert R.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 MacDonald, Maurice B.
 McCain, William F.
 Palumbo, Vincent J., Jr.
 Rosencrantz, James R.
 Simon, Peter M.
 Tufts, J. Arthur
 Wells, Henry E.

Appleby, James E.
 Callaghan, Robert J.

Cowenhoven, Garret P.
 Desrosiers, William J.
 Drabinowicz, A. Theresa
 Dykstra, Leona
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Harlan, Susan N.
 Holden, Carol H.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 McCann, Bonnie Lou
 Messier, Irene M.
 Ouellette, Robert O.
 Perham, Lester R.
 Record, Alice B.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Upton, Barbara A.
 Wright, George W.

MERRIMACK

Barberia, Richard A.
 Boucher, Laurent J.
 Fraser, Leo W., Jr.
 Johnson, C. William
 Lockwood, Robert A.
 Shaw, Randall F.
 Tolpin, Richard W.

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Dube, LeRoy S.
 Flanders, John W., Sr.
 Haynes, Richard L.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.

Cox, Gladys M.
 Dodge, Emma M.
 Drolet, Paul L., Jr.
 Elliott, Larry G.
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Hatch, William H.
 Hultgren, David D.
 Kelley, Robert N.
 Kress, Gloria W.
 Lawrence, Norman B.
 McDowell, James E.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Sallada, Roland A.
 Steiner, Lee Anne S.
 Turgeon, Roland M.
 Vanderlosk, Stanley R.
 Young, Willard N.

Bardsley, Elizabeth S.
 Carter, Susan D.
 Hayes, Robert C.
 Kidder, William F.
 Pantzer, Eugene E.
 Stio, Peter M.
 West, George M.

Blanchard, MaryAnn N.
 Bucu, Stephen W.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Ford, Bert H.
 Hoar, John, Jr.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Remick, Barbara R.
 Senter, Marilyn P.
 Sytek, Donna P.
 Welch, David A.

Burton, Wayne M.
 Foss, Patricia H.

Kincaid, William K.
 Martling, W. Kent
 Torr, Ann M.
 Wheeler, Katherine Wells

Kinney, Paula J.
 Parks, Joe B.
 Tsiros, William
 Young, John B.

Lachance, Douglas A.
 Stewart, Glenn W.
 Wall, Janet G.

SULLIVAN

Behrens, Thomas A.
 Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.
 and the motion lost.
 Resolution adopted.

Brodeur, Robert J.
 Hinrichsen, Keith L.
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system. Ought to Pass with Amendment.

This bill requires an employer who fails to enroll an employee in the retirement system at the appropriate eligibility period to pay the cost of the actuarial statement, determines what share the employer and employee pay for the cost of prior service and repeals the requirement that an employee must work for six months in order to be eligible for membership in the New Hampshire Retirement System. Vote 18-0. Rep. Beverly A. Gage for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system.

Amend RSA 100-A:3, VI(d) as inserted by section 1 of the bill by replacing it with the following:

(d) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this paragraph. The actuary's statement shall be based on the accrued liability cost of prior service credit. In addition, for the prior service rendered before July 1, 1989, the employer shall pay 1/2 of the amount determined by the actuary and the member shall pay 1/2, and for prior service rendered after June 30, 1989, the employer shall pay the full amount determined by the actuary, and upon payment, and with the approval of the board, the member shall receive credit for prior service. For the purposes of this paragraph, any case of failure to enroll a person for whom membership is compulsory under the provisions of this chapter shall be presumed to be the fault of the employer, and any case of failure to enroll a person for whom membership is optional under the provisions of this chapter shall be presumed to be the fault of the employer in the absence of documentary evidence of the person's election to decline membership.

Amend the bill by replacing section 2 with the following:

2 Repeal. RSA 100-A:3, III-a, relative to a 6-month service requirement for group I and group II state employees to be eligible for membership in the retirement system is hereby repealed.

3 Application. The provisions of section 2 of this act shall not affect group I or group II employees hired by the state prior to July 1, 1989.

4 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill requires an employer who fails to enroll an employee in the retirement system at the appropriate eligibility period to pay the cost of the actuary's statement used to determine the cost of purchasing prior service credit. The actuary's statement is based on the accrued liability cost of prior service credit.

The bill determines what share the employer and the employee pay for the cost of prior service in order to receive prior service credit, and determines fault for failure to enroll employees in the retirement system.

The bill also repeals the requirement that an employee must work for 6 months in order to be eligible for group I or group II membership in the New Hampshire retirement system.

Amendment adopted.

Referred to Appropriations.

HB 619-FN, relative to the cost to counties for performing autopsies. Ought to Pass.

The Committee was unanimous in declaring that the current amount of \$300 for performing each autopsy shall be the total cost to a county for the autopsy. The testimony indicated the possibility that additional costs would be passed on to the state. A representative from the Attorney General's Office appeared in support of the bill. Vote 18-0. Rep. Catherine V. Brungot for Municipal and County Government.

Referred to Appropriations.

HB 471, regarding review of developments which may have regional impact. Ought to Pass with Amendment.

The testimony at the hearing was in favor of the concept of the bill, but not in favor of the mechanics, as, in its original form, it would have protracted the approval process. The amendment retains the purpose, but greatly simplifies the procedure. Vote 16-2. Rep. Katherine H. Metzger for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Review of Developments of Regional Impact. Amend RSA 36 by inserting after section 53 the following new subdivision:

Review of Developments of Regional Impact

36:54 Purpose. The purpose of this subdivision is to:

I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.

II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.

III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

36:55 Definition. In this subdivision "development of regional impact" means any proposal before a local land use board which could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community.
- III. Transportation networks.
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.
- VI. Shared facilities such as schools and solid waste disposal facilities.

36:56 Review Required. The land use board, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

36:57 Procedure.

I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3, both for notice and for purposes of giving testimony.

II. Within 72 hours of the posting of a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.

2 Applicability. The provisions of this act shall supersede any contrary or inconsistent provisions of local land use regulations enacted under RSA 155 and RSA 674.

3 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill requires municipalities which plan to allow development within their boundaries which may have a regional impact to notify the governing bodies of the possibly affected areas and to provide opportunity for the affected municipality and the regional planning commission to be heard.

Amendment adopted.

Ordered to third reading.

HB 659-FN, eliminating an exemption for subdividers of land. Inexpedient to Legislate.

The intent of HB 659 is commendable, as it would enhance honesty and integrity in the sale of land as far as its capability to handle waste water is concerned. Legislation to require that all land subdivided, regardless of lot size, have test pit and percolation data would add unnecessary costs in many cases. The Committee vote of 10-8 reflects agreement with the laudable purpose, but disagreement with the mechanics. The Committee would like re-submittal in a modified form. Rep. David M. Perry for Municipal and County Government.

Resolution adopted.

HB 755-FN, regarding shoreland protection. Ought to Pass with Amendment.

This bill establishing a Committee to study shoreline protection, was requested by Governor Gregg. The Committee amendment adds a member from the Port Authority. The Governor approves this addition. Vote 14-0. Rep. Stacey W. Cole for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study shoreline protection.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this bill is to establish a committee which will study and recommend proposed legislation regarding a comprehensive shoreline protection act, including minimum standards and criteria for the subdivision, use and development of the shorelands of the state's public waters to preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of water and related land resources of the state.

2 Committee Established; Duties; Report. The duties of the committee shall be to meet to consider and recommend proposed legislation regarding a comprehensive shoreline protection act. The study committee recommendation shall be in the form of a report to be submitted by October 31, 1989, to the governor, the president of the senate, and the speaker of the house.

3 Committee Established; Membership.

I. The membership of the committee shall be comprised of the following:

(a) One member who is an elected officer or staff member of a New Hampshire lake association.

(b) One member nominated by the river management advisory committee, as established in RSA 227-F:2.

(c) One member nominated by the New Hampshire Association of Regional Planning Commissions.

(d) One member each from the following state agencies, which may be the commissioner, director, or designee thereof:

(1) Department of environmental services.

(2) Division of parks and recreation.

(3) Department of fish and game.

(4) Office of state planning.

(5) The state port authority.

(e) One member nominated by the New Hampshire Municipal Association who is an elected municipal officer from each of the following:

(1) A lakefront community.

(2) A riverfront community.

(3) A great bay community.

(f) One member nominated by the New Hampshire Home Builders Association.

(g) The speaker of the house and the president of the senate shall each appoint 2 members respectively.

II. The members designated in paragraph I(a)-(f) shall be appointed by the governor.

4 Meetings; Chair. The governor shall select the chair of the committee, who shall schedule the first committee meeting.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to develop and recommend legislation for a comprehensive shoreline protection act, including minimum standards for development.

Amendment adopted.

Ordered to third reading.

HB 485, relative to approval for certain public utility purchases. Majority: Inexpedient to Legislate. Minority: Re-refer to Committee.

MAJORITY: House Bill 485 would require prior approval by the Public Utilities Commission before a public utility could purchase any rights, including development rights, from a small power producer. The majority believes this legislation would be cumbersome and is unnecessary. Current law already permits PUC to exclude from the rate base any inappropriate utility company purchases. Vote 8-6. Rep. Charles C. Vogler for the Majority of Science, Technology and Energy.

MINORITY: The minority feels HB 485 deserves further study. After Committee discussion, the minority agreed that the impact of this bill would encourage alternative energy developments. It would also give the public a chance to oversee such developments. New Hampshire desperately needs alternative energy sources. Therefore, HB 485 should be re-referred. Rep. Daniel M. McCarthy for the Minority of Science, Technology and Energy.

Rep. Gilmore moved that the words Ought to Pass with Amendment, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. David Wright spoke against the motion.

Motion lost.

Resolution adopted.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

HB 539-FN, relative to establishing a fund for construction costs of public utilities. Majority: Re-refer to Committee. Minority: Inexpedient to Legislate.

MAJORITY: This bill is one of several anti-CWIP repeal statutes presented to the Committee. With the fluid Public Service Company of New Hampshire and Seabrook situations, the Committee wants to retain a vehicle to be able to come back next January with recommended legislation to deal with the then current situation. Vote 8-6. Rep. David B. Wright for the Majority of Science, Technology and Energy.

MINORITY: The bill repeals the anti-CWIP law and creates a state fund for the purpose of funding construction projects for private electric utilities. Even a representative of the utility industry testified that this bill is "unworkable." After more than a decade of debate on the anti-CWIP law, no further study is needed, but just one more time, an up or down vote on the bill itself. Rep. Susan S. Spear for the Minority of Science, Technology and Energy.

Re-referred to the Committee on Science, Technology and Energy.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

HB 549-FN, requiring the public utilities commission to approve purchases and conversions by electric utilities. Inexpedient to Legislate.

The Committee reports HB 549 Inexpedient to Legislate for two reasons. First, the time lag in obtaining Public Utilities Commission approval for energy purchases might cause utilities to miss "good buys." Second, pre-approval would remove all utility company risk and shift it to the ratepayer. Vote 9-5. Rep. Beverly T. Rodeschin for Science, Technology and Energy.

Resolution adopted.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

HB 559-FN, regarding electric utility service territories. Majority: Inexpedient to Legislate. Minority: Re-refer to Committee.

MAJORITY: House Bill 559 would require the re-franchising of all electric utility territories in accordance with a new undefined criteria of "highest public good." Subsequent appeals would be authorized by any ratepayer alleging breach of expressed or implied conditions for the franchise. The majority of the Committee feels this legislation would generate endless legal appeals and tremendous expenditures to compensate utilities which had their franchises revoked. The majority further believes current law effectively protects consumers since the Public Utilities Commission can currently revoke franchises if a utility is failing to provide adequate service. Vote 8-5. Rep. Charles C. Vogler for the Majority of Science, Technology and Energy.

MINORITY: This bill sets a new standard of "highest public good" for the award of electric utility service territories. A re-referral will allow the Committee to study the implications of this proposal. Reps. Robert E. Barber, Jr. and Amanda A. Merrill for the Minority of Science, Technology and Energy.

Resolution adopted.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

HB 237, relative to eviction of tenants with AIDS. Ought to Pass with Amendment.

This bill provides that it would be unlawful to evict tenants because they have the AIDS virus. This legislation would grant the Human Rights Commission jurisdiction without having to determine if AIDS is a handicap. The majority of the Committee believes this issue should be addressed now, not later. The burden of proof would be the same as any other discrimination case brought before the Human Rights Commission. Vote 11-7. Rep. William H. McCann, Jr. for State Institutions and Housing.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Unlawful Discriminatory Practices. Amend RSA 354-A:8, V(d) to read as follows:

(d) To represent to any person because of age, sex, race, color, marital status, physical or mental handicap, religion or national origin that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available[.];

(e) *To evict a tenant solely on the grounds that the person has acquired immune deficiency syndrome (AIDS) or is regarded to have acquired immune deficiency syndrome.*

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that it is an unlawful discriminatory practice to evict a tenant solely because the tenant has the AIDS virus or is regarded to have AIDS.

Rep. Rose moved that the words Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. McCann spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 65

NAYS 260

YEAS 65
BELKNAP

Holbrook, Robert G.

Rice, Thomas E. P., Jr.

Rosen, Ralph J.

CARROLL

Saunders, Howard N.

CHESHIRE

Delano, Robert F.

Laurent, John J.

Young, David A.

COOS

Buckley, C. Fitzgerald, III

Guay, Lawrence J.

Merrill, Gerald P.

GRAFTON

Adams, Carl S.

Dow, David O.

Eno, Larry E.

Rose, William B.

Townsend, Howard C.

HILLSBOROUGH

Cox, Gladys M.

Dyer, Merton S.

Emerton, Lawrence A., Sr.

Foote, Herbert N., Sr.

Gagnon, Gabrielle V.

Goulet, Maurice E.

Healy, Daniel J.

Hunter, Bruce F.

Kelley, Robert N.

Kress, Gloria W.

Mason, Howard F.

Ouellette, Robert O.

Perham, Lester R.

Provost, Gilles R.

Rheault, Lillian I.

Riley, Frances L.

Rodgers, G. Philip

Tyree, Paul M.

Upton, Barbara A.

Vanderlosk, Stanley R.

Wright, George W.

Young, Willard N.

MERRIMACK

Fraser, Leo W., Jr.

Hall, Douglas E.

Hayes, Robert C.

Shaw, Randall F.

ROCKINGHAM

Drake, Herbert R.

Dube, LeRoy S.

Fesh, Robert M.

Flanders, Harry E.

Ford, Bert H.

Haynes, Richard L.

Magoon, Harold F.

Malcolm, Kenneth W.

Schmidtchen, Rowland

Warburton, Calvin

Wells, Henry E.

STRAFFORD

Dionne, Albert J.

Frechette, Roland A.

Kincaid, William K.

Sullivan, Henry P.

Torr, Ralph W.

Tsiros, William

SULLIVAN

Brodeur, Robert J.

Flint, Gordon B.

Hinrichsen, Keith L.

Krueger, Richard H.

MacAskill, Kenneth M.

Middleton, John A.

Peyron, Fredrik

NAYS 260**BELKNAP**

Ballou, Richard A.

Bolduc, Dennis R.

Golden, Paul A.

Hardy, Earle D.

Hawkins, Robert S.

Maviglio, Steven R.

Pearson, Ralph W.
Vogler, Charles C.

Richardson, Lawrence
White, James J.

Turner, Robert H.
Ziegra, Alice S.

CARROLL

Chase, Russell C.
Foster, Robert W.
Wiggin, Allen R.

Daly, Robert J., Jr.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Cole, Kenneth A.
Foster, Katherine D.
Hill, Douglas E.
Matson, William R.
Perry, David M.
Spear, Susan S.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Morse, JoAnn T.
Pratt, Irene A.

Doucette, Richard F.
Grodin, Richard A.
LaMar, David M.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Hill, Richard L.
Nordgren, Sharon L.
Ward, Kathleen W.

Bean, Pamela B.
Chambers, Mary P.
Driscoll, William J.
LaMott, Paul I.
Scanlan, David M.
Weymouth, Philip H.

Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Larson, Nils H., Jr.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Boucher, Lionel R.
Burkush, Peter A.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jean, Romeo W.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
Lozeau, Donnalee M.
McNerney, Daniel P.
Moore, Elizabeth A.
Nardi, Theodora P.
Pappas, Toni
Record, Alice B.
Sallada, Roland A.

Alukonis, David J.
Barry, Vivian
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Genest, Fernand A.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
King, John A.
Kurk, Neal M.
Long, Linda D.
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Reidy, Frank J.
Schneiderat, Catherine A.

Amidon, Eleanor H.
Bicknell, Robert C.
Bowers, Dorothy C.
Daigle, Robert A.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dykstra, Leona
Ford, Nancy M.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Jasper, Shawn N.
Johnson, Lionel W.
Klose, John F.
Lachut, Ervin R.
Lown, Elizabeth D.
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Packard, Bonnie B.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.

Smith, Leonard A.
Stiles, Walter A.
Turgeon, Roland M.

Soucy, Lillian E.
Tarpley, Nancy L.
Wheeler, David K.

Steiner, Lee Anne S.
Toomey, Daniel

MERRIMACK

Apple, Lowell D.
Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Smith, Gerald R.
Teague, Bert
Wallner, Mary Jane

Barberia, Richard A.
Boucher, Laurent J.
Dunn, Miriam D.
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Soldati, Jennifer
Tolpin, Richard W.
West, George M.

Bardsley, Elizabeth S.
Carter, Susan D.
Fair, Patricia A.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
Trombly, Rick A.
Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
Blanchard, MaryAnn N.
Buco, Stephen W.
Conroy, Janet M.
Felch, Charles H., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.
Johnson, Robert A.
Katsakiores, Phyllis M.
Lovejoy, Virginia K.
Mace, Ada L.
McGovern, Cynthia A.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Roulston, Donald L.
Simon, Peter M.
Splaine, John E., Sr.
Vartanian, Elsie
Welch, David A.

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Eunice M.
Cooke, Annette M.
Flanagan, Natalie S.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Kane, Cecelia D.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCain, William F.
McKinney, Betsy
Popov, Elizabeth M.
Ritzo, Eugene
Sanderson, Patricia O.
Skinner, Patricia M.
Sytek, Donna P.
Vaughn, Charles L.
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Caswell, Albert, Jr.
Cote, Patricia L.
Flanders, John W., Sr.
Hoar, John, Jr.
Hynes, Carolyn E.
Katsakiores, George N.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
McCarthy, John J., Jr.
Micklon, Stephanie K.
Raynowska, Bernard J.
Rosencrantz, James R.
Senter, Marilyn P.
Sochalski, Matthew M.
Tufts, J. Arthur
Weddle, Michael R.

STRAFFORD

Appleby, James E.
Callaghan, Robert J.
Foss, Patricia H.
Lachance, Douglas A.
McCann, William H., Jr.
O'Brien, John
Scharff, Thomas E.
Torr, Ann M.
Wheeler, Katherine Wells

Bernard, Mary E.
Flynn, Anita A.
Gilmore, Gary R.
Marston, Robert E.
Merrill, Amanda A.
Parks, Joe B.
Spencer, Leo J.
Vincent, Francis C.
Young, John B.

Burton, Wayne M.
Flynn, Edward J.
Kinney, Paula J.
Martling, W. Kent
Musler, George T.
Pelley, Janet R.
Stewart, Glenn W.
Wall, Janet G.

SULLIVAN

Behrens, Thomas A.
Harland, Jane A.
Schotanus, Merle W.

Burling, Peter Hoe
Lucier, Edward A., Jr.

Domini, Irene C.
Rodeschin, Beverly T.

and the motion lost.

Amendment adopted.

Ordered to third reading.

HB 477, relative to housing standards ordinances. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This measure provides municipalities with procedure problems the enabling legislation to save the taxpayers of their municipalities' money. This is very valuable to all property taxpayers. Vote 15-3. Rep. Arthur Tufts for the Majority of State Institutions and Housing.

MINORITY: The bill ought not to pass because it makes it easier for a municipality to exercise coercive power. The New Hampshire General Court should refrain from extending governmental power unless it is absolutely needed. Rep. Scott E. Green for the Minority of State Institutions and Housing.

Ordered to third reading.

HB 542, relative to regulating increases in manufactured housing parks. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill was well-intentioned, however, the process being proposed was flawed. Many people are finding rents becoming excessive in manufactured housing parks. However, tying increased rent to the cost of living does not consider the reality of 18% property tax increases. The real issue is property tax reform, not court action for manufactured housing. This issue should be dealt with by local action, not state mandate. Vote 11-5. Rep. William H. McCann, Jr. for the Majority of State Institutions and Housing.

MINORITY: A minority of the Committee believes this bill addresses known abuses by mobile home park owners, particularly by large, out-of-state corporations. The content of the bill does not restrict park owners from increasing rents in direct proportion to property tax increases and other real cost increases. Rather, this bill allows tenants a means to appeal to the courts when rent increases clearly exceed real costs. The standards by which the courts would assess rent increases would allow park owners to maintain a good and fair profit margin. Rep. Jennifer G. Soldati for the Minority of State Institutions and Housing.

Rep. Doucette moved that the words Ought to Pass, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Reps. McCann, Vartanian and Tufts spoke against the motion.

Rep. Apple spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 58

NAYS 268

YEAS 58
BELKNAP

Golden, Paul A.

CARROLL

Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.

Cole, Kenneth A.

Doucette, Richard F.

Foster, Katherine D.

Gordon, Irvin H.

LaMar, David M.

Laurent, John J.

Matson, William R.

Pearson, Gertrude B.

Pratt, Irene A.

COOS

Dumont, Robert E.
Nelson, Harold D.

Kilbride, Dennis J.

Lemire, George

GRAFTON

Bennett, Shirley M.

Chambers, Mary P.

Rose, William B.

HILLSBOROUGH

Amidon, Eleanor H.
Dwyer, Patricia R.
Gagnon, Gabrielle V.
Johnson, Lionel W.
Long, Linda D.
Soucy, Lillian E.

Barry, Vivian
Foote, Herbert N., Sr.
Genest, Fernand A.
Lachut, Ervin R.
Lozeau, Donnalee M.

Drabinowicz, A. Theresa
Frank, Nancy G.
Jean, Romeo W.
Lefebvre, Roland J.
Prestipino, Bartolo V.

MERRIMACK

Apple, Lowell D.
Fair, Patricia A.

Barberia, Richard A.
Shaw, Randall F.

Daneault, Gabriel
Soldati, Jennifer

ROCKINGHAM

Bell, Juanita L.
Roulston, Donald L.

Dube, LeRoy S.
Weddle, Michael R.

Malcolm, Kenneth W.

STRAFFORD

Dionne, Albert J.
O'Brien, John
Vincent, Francis C.

Gilmore, Gary R.
Pelley, Janet R.
Wheeler, Katherine Wells

Merrill, Amanda A.
Spencer, Leo J.

SULLIVAN

Brodeur, Robert J.
Hinrichsen, Keith L.

Domini, Irene C.

Harland, Jane A.

NAYS 268**BELKNAP**

Ballou, Richard A.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Chandler, Gene G.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chase, Russell C.
Foster, Robert W.
Wiggin, Allen R.

Daly, Robert J., Jr.
MacDonald, Kenneth J.

CHESHIRE

Delano, Robert F.
Hunt, John B.
Perry, David M.
Young, David A.

Grodin, Richard A.
Metzger, Katherine H.
Sawyer, Alfred P.

Hill, Douglas E.
Morse, JoAnn T.
Spear, Susan S.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald P.
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Marsh, Beaton
Oleson, Otto H.

Guay, Lawrence J.
Mayhew, Josephine
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.

Arnesen, Deborah L.
Christy, C. Dana

Bean, Pamela B.
Copenhaver, Marion L.

Dow, David O.
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

Driscoll, William J.
Larson, Nils H., Jr.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Bowers, Dorothy C.
Cox, Gladys M.
Desrosiers, William J.
Drolet, Paul L., Jr.
Dykstra, Leona
Fields, Dennis H.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Hultgren, David D.
Jenkins, Mary
King, John A.
Kress, Gloria W.
Lown, Elizabeth D.
McDowell, James E.
Messier, Irene M.
Murphy, Robert E.
Ouellette, Robert O.
Pepino, Leo P.
Provost, Gilles R.
Rheault, Lillian I.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Turgeon, Roland M.
Wheeler, David K.

Alukonis, David J.
Boucher, Lionel R.
Burkush, Peter A.
Daigle, Robert A.
Dodge, Emma M.
Dube, Ellen C.
Elliott, Larry G.
Ford, Nancy M.
Grip, Robert H.
Hall, Betty B.
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.
Klose, John F.
Kurk, Neal M.
Mason, Howard F.
McNerney, Daniel P.
Moore, Elizabeth A.
Nardi, Theodora P.
Packard, Bonnie B.
Perham, Lester R.
Record, Alice B.
Riley, Frances L.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Bardsley, Elizabeth S.
Braiterman, Thea G.
Fillion, Paul R.
Hayes, Robert C.
Johnson, C. William
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert
Wallner, Mary Jane

Beaton, Nancy C.
Carter, Susan D.
Fraser, Leo W., Jr.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Smith, Gerald R.
Tolpin, Richard W.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Cooke, Annette M.
Felch, Charles H., Sr.

Benton, Richardson D.
Brown, Lewis W.
Caswell, Albert, Jr.
Cote, Patricia L.
Fesh, Robert M.

Guest, Robert H.
Nordgren, Sharon L.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Barry, Janet G.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dyer, Merton S.
Emerton, Lawrence A., Sr.
Goulet, Maurice E.
Guilbert, Lionel
Harlan, Susan N.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland A.
O'Rourke, JoAnne A.
Pappas, Toni
Pignatelli, Debora B.
Reidy, Frank J.
Robinson, Ellen-Ann
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Toomey, Daniel
Upton, Barbara A.
Young, Willard N.

Boucher, Laurent J.
Dunn, Miriam D.
Hager, Elizabeth
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene E.
Stio, Peter M.
Trombly, Rick A.
Whittemore, James A.

Blanchard, MaryAnn N.
Buco, Stephen W.
Conroy, Janet M.
Drake, Herbert R.
Flanagan, Natalie S.

Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Sanderson, Patricia O.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Warburton, Calvin
 Wright, David B.

Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 McCain, William F.
 McKinney, Betsy
 Popov, Elizabeth M.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie
 Welch, David A.

Ford, Bert H.
 Haynes, Richard L.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Micklon, Stephanie K.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna P.
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Callaghan, Robert J.
 Foss, Patricia H.
 Kinney, Paula J.
 McCann, William H., Jr.
 Scharff, Thomas E.
 Torr, Ann M.
 Wall, Janet G.

Bernard, Mary E.
 Flynn, Anita A.
 Frechette, Roland A.
 Lachance, Douglas A.
 Musler, George T.
 Stewart, Glenn W.
 Torr, Ralph W.
 Young, John B.

Burton, Wayne M.
 Flynn, Edward J.
 Kincaid, William K.
 Martling, W. Kent
 Parks, Joe B.
 Sullivan, Henry P.
 Tsiros, William

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Middleton, John A.
 Schotanus, Merle W.
 and the motion lost.

Burling, Peter Hoe
 Lucier, Edward A., Jr.
 Peyron, Fredrik

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Rep. Soucy notified the Clerk that she inadvertently voted yea and meant to vote nay.

Resolution adopted.

HB 548, relative to siting New Hampshire housing finance authority projects. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill overrules local zoning. It takes away home rule and one override is just too unpredictable. Who decides what town has a housing crisis? Also, if this overrides local fees, does the State of New Hampshire pay the costs? There were too many unanswered questions and no time limit was stated. Vote 13-2. Rep. Ednapearl F. Parr for the Majority of State Institutions and Housing.

MINORITY: The city of Portsmouth represents 12% of the population of Rockingham County and provides more than 40% of the county's assisted housing. The town of Londonderry has 9% of the population and provides 0% of assisted housing. The House, in 1988, passed a Resolution stating that it has a housing crisis. Housing burdens are clearly not shared in an equitable manner among communities. One zoning override is only slightly intrusive, would help relieve burdens thrust upon

cities and would create more affordable housing opportunities thereby meeting the needs of homeless families. Reps. Michael R. Weddle and William H. McCann, Jr. for the Minority of State Institutions and Housing.

Rep. Weddle spoke to the Majority Report.

Rep. Scott Green spoke in favor of the report.

Resolution adopted.

HB 727, relative to municipal rent control in manufactured housing parks. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill, if passed, would place rent control in the hands of local officials. Town meeting dates being what they are, towns would not hear this proposed law until 1990. Rents in mobile parks could and would possibly escalate between now and 1990 to the point where it would be all in the favor of the landlords and the local municipal authorities could not bring it back into some form of control. Better controls exist under the provisions of HB 542. Vote 11-4. Rep. Lowell D. Apple for the Majority of State Institutions and Housing.

MINORITY: The minority of the Committee feels that it would be in the best interest of the state to have enabling legislation on the books to permit localities to vote if the need arises in the community, not to have the state mandate rent control. Reps. William H. McCann, Jr. and Scott E. Green for the Minority of State Institutions and Housing.

Rep. William McCann moved that the words Re-refer to Committee, be substituted for the Majority report, Inexpedient to Legislate, and spoke to his motion.

Reps. Vartanian and Tufts spoke against the motion.

Rep. Lozeau spoke in favor of the motion.

A division was requested.

135 members having voted in the affirmative, and 191 in the negative, the motion lost.

Resolution adopted.

Rep. Leonard Smith abstained from voting under Rule 16.

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover. Ought to Pass.

Bradley Lake is the water supply for Proctor Academy and 120 households in the town of Andover. This bill would prohibit the use and operation of petroleum-powered boats on the lake. The Committee, by a vote of 9-3 felt it would support the request of the selectmen of the town and favor the passage of this bill to help protect the purity of this water supply. Rep. Roger Stewart for Transportation.

Ordered to third reading.

HB 353, prohibiting the use and operation of ski craft or hovercraft on Canaan Street Lake in the town of Canaan. Ought to Pass.

Canaan Street Lake in the town of Canaan is a source of water supply for the town. It is a lake of 302 acres much of the area is shallow with a mean depth of 10 feet. The Committee by a vote of 8 to 4 recommends the passage of the bill. Rep. Roger Stewart for Transportation.

Ordered to third reading.

HB 443, exempting certain insurance claims adjusters from licensing examinations. Ought to Pass.

According to current RSA, this bill would seem to be existing law. However, there has been some question as to interpretation resulting in refusal. This bill will clarify that. As with other licensing in past years, when law changed precluding licensure without completion of written exams, holders of current licenses were able to renew without this process, provided they did so within given dates. Fully qualified claims adjusters from another state with a New Hampshire out-of-state license, upon becoming a resident of New Hampshire, were being denied renewal unless they completed the exam requirement. This bill will allow these few people to receive renewal provided on 8/5/69 they could have qualified for the resident New Hampshire license between the dates of August 5 to October 3, 1969. Vote 10-4. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

Rep. Fraser moved that the words Re-refer to Committee, be substituted for the Committee report Ought to Pass, and spoke to his motion.

Motion adopted.

Re-referred to the Committee on Commerce, Small Business and Consumer Affairs.

HB 616-FN, relative to the public utilities commission. Ought to Pass with Amendment.

House Bill 616, as amended, is an omnibus Public Utilities Commission bill which incorporates the best of HB 496, HB 706 and the original HB 616. First, the bill removes PUC regulation of municipal water and sewer utilities when they (1) furnish services outside their municipal boundaries at rates and quality of service comparable to their own municipality, or (2) provide bulk/wholesale water to another municipality. The remainder of the bill covers PUC organization, makes a needed change in the salary group of the PUC counsel (at no cost to the General Fund), and deletes obsolete RSAs pertaining to electric utility franchising. Vote 12-1. Reps. Paul M. Tyree and Beverly T. Rodeschin for Science, Technology and Energy.

Amendment

Amend the bill by replacing section 1 with the following:

1 Add Sewer. RSA 362:4 is repealed and reenacted to read as follows:
362:4 Water Companies, When Public Utilities.

I. Every such corporation, company, association, joint stock association, partnership, or person shall be deemed to be a public utility by reason of the ownership or operation of any water or sewage disposal system or part thereof. If the whole of such water or sewage disposal system shall supply a less number of consumers than 10, each family, tenement, store or other establishment being considered a single consumer, the commission may exempt any such water or sewer company from any and all provisions of this title whenever the commission may find such exemption consistent with the public good.

II. A municipal corporation furnishing water or sewage disposal services outside its municipal boundaries shall not be considered a public utility under this title for the purpose of accounting, reporting, or auditing functions with respect to said service.

III. A municipal corporation furnishing water or sewage disposal services shall not be considered a public utility under this title:

(a) If serving customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and serving those customers a quantity and quality of water or a level of sewage disposal service equal to that served customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(b) With respect to supplying bulk water pursuant to a wholesale rate or contract to another municipality, village district, or water precinct.

Amend the bill by replacing all after section 2 with the following:

3 Chairman. Amend RSA 363:4 to read as follows:

363:4 Chairman. The chairman of the commission shall be appointed and commissioned as such *and shall be the administrative head of the agency.*

4 New Section; Commissioners' Duties. Amend RSA 363 by inserting after section 4 the following new section:

363:4-a Commissioners, Duties. The commissioners shall, by majority action, establish the budgetary requirements of the agency, act on the selection of department heads, and establish practices and procedures of the agency.

5 Business to be Transacted. Amend RSA 363:16 to read as follows:

363:16 Quorum. A majority of the commission shall constitute a quorum to [transact business,] *issue orders or adopt rules*; and any hearing or investigation may be held or conducted by 2 commissioners or by a single commissioner[; but no order, rule or regulation shall be made and promulgated except by the full commission or a majority thereof].

6 Staff Functions. RSA 363:27, II is repealed and reenacted to read as follows:

II. The staff of the commission shall be divided along functional lines, as shall be determined from time to time by the commission.

7 Salary Group Changed. Amend RSA 94:1-a, I by:

I. Striking out in group M, counsel, public utilities commission.

II. Inserting in group N, counsel, public utilities commission.

8 Repeal. The following are repealed:

I. RSA 363:29, relative to hearing examiners.

II. RSA 374:22-a, relative to commission jurisdiction of service territories.

III. RSA 374:22-b, relative to application for service territories.

IV. RSA 374:22-c, relative to areas served by several companies.

V. RSA 374:22-d, relative to professional assistance.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that sewage disposal systems be included within the definition of a water utility which is a public utility.

It increases civil penalties relating to gas pipelines and makes other administrative changes relating to the commission, including a salary adjustment for the commission counsel.

Sections relating to hearing examiners and service territories are repealed.

Amendment adopted.

Rep. David Wright offered an amendment and spoke to his amendment.

Amendment

Amend RSA 362:4, III as inserted by section 1 of the bill by replacing it with the following:

III. A municipal corporation furnishing water or sewage disposal services shall not be considered a public utility under this title if serving customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and serving those customers a quantity and quality of water or a level of sewage disposal service equal to that served customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

Rep. Hatch spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Wednesday, March 22, at 10:00 a.m..

Adopted.

LATE SESSION

(Third reading and final passage)

HB 118, relative to collision damage waiver.

HB 467, relative to discharges of mortgages.

HB 655-FN, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer.

HB 273-FN, authorizing the transfer of sick and annual leave and longevity credit for certain state employees.

HB 325, relative to disciplinary actions against veterinarians.

HB 402-FN, relative to the state archivist.

HB 676, relative to the operation of OHRVs on rights-of-way.

HB 502, relative to disclosure of mental health information.

HB 554, relative to the advisory council on the sale and fitting of hearing aids.

HB 748, relative to anatomical gifts accepted by medical or dental schools.

HB 175, relative to bail commissioners' fees.

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity.

HB 488, relative to regional cooperation on solid waste disposal.

HB 546-FN, relative to the water protection assistance program.

HB 728, relative to water conservation plumbing fixtures.

HB 617-FN, relative to the public utilities commission appointing a receiver for a public water utility.

HB 244-FN, allowing museums to obtain title to property loaned for an indefinite time.

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover.

HB 111, relative to moorings.

HB 112-FN, relative to enforcing the boating laws.

HB 177, authorizing local authorities to reduce the speed limit in business and urban residence districts.

HB 184, relative to driving left of center of roadways.

HB 222, limiting horsepower of motors on Indian Pond in the town of Orford.

HB 270-FN, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor.

HB 119-FN, making technical changes in certain revenue statutes for the department of revenue administration.

HB 320-FN-A, relative to the penalty for overdue payments under the interest and dividends tax.

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

HB 24-FN-A, relative to the bicentennial commission.

HB 66, relative to health maintenance organizations.

HB 375-FN, relative to long-term care insurance for the elderly.

HB 471, regarding review of developments which may have regional impact.

HB 755-FN, establishing a committee to study shoreline protection.

HB 237, relative to eviction of tenants with AIDS.

HB 477, relative to housing standards ordinances.

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover.

HB 353, prohibiting the use and operation of ski craft or hovercraft on Canaan Street Lake in the town of Canaan.

HB 616-FN, relative to the public utilities commission.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolled Bills only.

Adopted.

The House recessed at 12:00 p.m.

RECESS

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 15

Wednesday, March 22, 1989

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. Ruth Williamson, associate minister of the Wesley United Methodist Church in Concord.

Gracious God, creator of all that is good: In love, You set the universe in motion. In love, You created each of us to be in relationship with You and with each other.

We thank You for the beauty of the day and for Your promise that spring will always follow winter. We know that You are a dependable God, that Your steadfast love endures forever.

Motivate us to be courageous and just. Open our minds to broader vision and greater wisdom. Touch our hearts with compassion and empathy. Stir us with that enthusiasm that calls us to high levels of service.

We pray that we may know Your will and strive after all that is right and all that is good. Amen.

Rep. Lockwood led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Daniel Eaton, Avery, Manus, Doucette, Cote and Palazzo, the day, illness.

Reps. Gilbreth, MacKinnon, Carl Anderson, Ralph Torr, Lovejoy, Lucier, Susan Harlan, Olimpio, Ralph Torr and Drake, the day, important business.

Reps. Roger Stewart and Bickford, the day, death in the family.

Reps. Joseph MacDonald, Dumont and Blanchard, the day, illness in the family.

INTRODUCTION OF GUESTS

James J. White III, son of Rep. White; Debra Troy of Plymouth, guest of Rep. Dow.

SENATE MESSAGES**CONCURRENCE**

HB 31, recodifying the laws pertaining to the elderly.

HB 97-FN, relative to eligibility for public assistance.

HB 102-FN, relative to the department of libraries, arts and historical resources.

HB 107-FN, relative to food service licensure.

HB 110-FN, relative to low and moderate income housing.

HB 336, relative to senior citizen bingo games.

HB 359, relative to statements of minors in civil cases.

HB 454-FN, relative to the interest due on property tax bills.

HB 455-FN, relative to appeals in child abuse or neglect cases.

HB 507-FN, relative to child care.

HB 512, relative to zoning ordinance protest petitions.

NONCONCURRENCE

HB 61, relative to accessibility of vital records.

HB 351, relative to special permits for the use of crossbows by physically handicapped persons.

ENROLLED BILLS REPORT

HB 17, changing the language of the oath administered to petit jurors in criminal cases.

HB 43, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation.

HB 52, relative to rail accident reporting requirements.

HB 62, adding administrative fines to the laws relative to auctioning and shipping livestock.

HB 63, relative to equine infectious anemia.

HB 65, adding administrative fines to certain provisions of the agriculture laws.

HB 74, extending the time for the filing of a report by the municipal charter study committee.

HB 122, relative to concession contracts at certain state facilities.

HB 125, relative to securities registration statements and rulemaking by the director of the office of securities regulation.

HB 160, to repeal the state recreational fund.

HB 161, extending the illiteracy and dropout prevention legislative study committee.

HB 205, relative to continuing care communities.

HB 316, relative to notice to abutters.

Rep. James D. Phelps
For the Committee

Reps. Kidder, Gross, LaMott and Hager addressed the House on HB 777, appropriating funds for additional basic needs for the fiscal years ending June 30, 1990, and June 30, 1991, and HB 764, relative to state revenues and appropriations.

COMMITTEE REPORTS**(Consent Calendar)**

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 491, relative to insufficient funds, was removed at the request of Rep. Lefebvre.

HB 634-FN, relative to "black liquor" and municipalities, was removed at the request of Rep. Weddle.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members, was removed at the request of Rep. Powers.

HB 609-FN, establishing a pilot program for jury selection, service and compensation in one county, was removed at the request of Rep. Thomas Gage.

HB 718, relative to sewer districts, was removed at the request of Rep. Leonard Smith.

HB 103-FN, relative to motor vehicle laws, was removed at the request of Rep. Pantelakos.

HB 233, prohibiting the transportation of persons and domesticated pets in open bed trucks, was removed at the request of Rep. Jasper.

Adopted.

HB 262-FN, establishing a study committee on liability for expenses for children in need of services. Ought to Pass with Amendment.

This bill is an omnibus study and oversight bill which the Committee unanimously endorses. It extends the Juvenile Justice Task Force and creates a new joint oversight structure to monitor and review the operations, placements, custody guidelines, foster care capabilities and RSA recodification covering the aforementioned areas. It will cover all studies which were requested in the early weeks of the session. It also consolidates under one major thrust, two previously constituted oversight committees. Vote 16-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee to Study New Hampshire Juvenile Justice System; Report Date Extended. Amend 1988, 204:5 to read as follows:

204:5 Duties; Report. The committee shall study the New Hampshire statutory provisions relative to juvenile justice and delinquency, with emphasis on procedural processes, and the minimum age at which a person should be held criminally responsible for serious offenses. The committee shall make appropriate recommendations as to any statutory changes which would address the needs of juvenile offenders. Secretarial and staff assistance shall be provided by the house of representatives. The committee shall prepare a report describing its determination and recommendations. Copies of this report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate by [May 1, 1989] *December 31, 1989*.

2 New Chapter; Joint Oversight Committee and Related Committees on Issues Regarding Children. Amend RSA by inserting after chapter 170-H the following new chapter:

CHAPTER 170-I

COMMITTEES ON ISSUES REGARDING CHILDREN

170-I:1 Joint Oversight Committee Established. A joint oversight committee on issues regarding children is hereby established. The joint oversight committee shall oversee the activities of and act in an advisory capacity to the 3 committees established in this chapter. The joint oversight committee shall submit a report, including recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before November 15 of each year. The joint oversight committee shall consist of the following members:

I. The chairperson of the house children, youth and juvenile justice committee and the chairperson of the senate public institutions, health and human services committee, who shall serve as co-chairpersons of the joint oversight committee.

II. The chairpersons of the committee on placements and services; the committee on custody and care; and the committee on RSA review and coordination.

III. The governor, or designee.

IV. The director of the division for children and youth services.

V. A district court justice, appointed jointly by the speaker of the house and the senate president.

VI. An attorney, appointed by the New Hampshire Bar Association.

170-I:2 Committee on Placements and Services.

I. There is established a committee on placements and services. The committee shall consist of the following members:

(a) The vice-chairperson of the house children, youth and juvenile justice committee, who shall serve as committee chairperson.

(b) Two house members, appointed by the speaker of the house, one of whom shall be a member of the children, youth and juvenile justice committee and one of whom shall be a member of the appropriations committee.

(c) Two senate members appointed by the senate president, one of whom shall be a member of the public institutions committee and one of whom shall be a member of the finance committee.

(d) One member of the judiciary, appointed jointly by the speaker of the house and the senate president.

(e) The director of the division for children and youth services, or designee.

(f) One attorney, appointed by the New Hampshire Bar Association.

II. The committee shall study and monitor all aspects of services provided to children through the division for children and youth services. The committee shall examine the division's changing needs and the efficiency of the division's implementation of legislative programs. The committee shall also examine all financial aspects of the operation of the division. The division for children and youth services shall establish and operate a case financial tracking and management system for the most expensive 10 percent of its cases and shall report quarterly to the committee on the results of the system. The committee shall in turn report to the joint oversight committee on such results, to be included in its annual report to the speaker of the house, the senate president and the governor.

170-I:3 Committee on Custody and Care.

I. There is established a committee on custody and care. The committee shall consist of the following members:

(a) The vice-chairperson of the senate public institutions, health and human services committee, who shall serve as committee chairperson.

(b) Two house members, appointed by the speaker of the house.

(c) Two senate members, appointed by the senate president.

(d) One public member from the care provider sector, appointed by the governor.

(e) The director of the division for children and youth services, or designee.

II. The committee shall:

(a) Study the means of recruitment of appropriate foster families.

(b) Study the initial and ongoing training of foster families.

(c) Examine the availability of ongoing support provided by the division for children and youth services to foster families.

(d) Review annually the sufficiency of foster family allowances.

(e) Make recommendations concerning changes in any of the above areas to the joint oversight committee and perform such other activities as it is directed to perform by the joint oversight committee.

(f) Submit a report containing its recommendations, on or before February 1 of each year, to the senate finance committee; the senate public institutions, health and

human services committee, the house appropriations committee, and the house children, youth and juvenile justice committee.

170-I:4 Committee on RSA Review and Coordination.

I. There is established a committee on RSA review and coordination. The committee shall consist of the following members:

(a) One member of the house children, youth and juvenile justice committee, who shall be appointed by the speaker and who shall serve as chairperson of the subcommittee.

(b) Two house members appointed by the speaker of the house, one of whom shall be a member of the house judiciary committee.

(c) Three senate members appointed by the senate president, one of whom shall be a member of the senate judiciary committee.

(d) One staff member of the office of legislative services, appointed jointly by the speaker of the house and the senate president, to serve in an advisory capacity on technical drafting issues.

II. The committee shall study the statutes relative to placements, custody and care of and services to children, and make legislative recommendations to the joint task force for inclusion in its annual report to the speaker of the house, senate president, and governor.

3 Repeal. The following are repealed:

I. 1987, 402:28, relative to a joint committee to study services provided to children.

II. RSA 170-E:23-26, relative to the committee on foster families.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the reporting date for the committee to study the juvenile justice system from May 1, 1989, to December 31, 1989.

This bill establishes a joint oversight committee and 3 related committees on issues regarding children. The related committees are on placements of and services to children; custody and care of children; and review and coordination of statutes. The committees are required to submit certain reports and the joint oversight committee is directed to submit an annual report, including recommendations for legislation, by November 15 to the speaker of the house, the senate president, and the governor.

HB 483, relative to wage assignment. Inexpedient to Legislate.

A bill with similar intent has been passed in the Senate. Additionally, the Committee felt that the bill actually might create more problems in the changes proposed. The Committee can address the matter in the Senate bill. Vote 18-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 487, relative to grandparents' rights. Ought to Pass with Amendment.

The Committee felt this bill addressed major concerns in HB 678 and HB 618. It was more specific and language clearer. It is a well-written bill. The amendment pertains to testimony heard at public hearings. Vote 18-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 458:17-d, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) The nature of the relationship between the grandparent and the minor child, including but not limited to, the frequency of contact, and whether the child has lived with the grandparent and length of time of such residence, when there is no reasonable cause to believe that the child's physical and emotional health would be endangered by such visitation or lack of it.

HB 618-FN, relative to grandparents' rights. Inexpedient to Legislate.

The concerns of this bill will be addressed in HB 487. Vote 18-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

HB 658-FN, relative to taking depositions of child witnesses in criminal cases. Ought to Pass with Amendment.

The amendment establishes a committee to study the positive and negative effects of the laws pertaining to video tape depositions, video tape trial depositions and discovery depositions. Vote 15-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the laws relative to depositions.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Membership. A committee is established to study the positive and negative effects of the laws pertaining to video tape depositions, video tape trial depositions, and discovery depositions. The committee shall consist of the following members:

- I. One member from each county, appointed by each county attorney.
- II. One member from the house committee on children, youth and juvenile justice, appointed by the chairman of the committee on children, youth and juvenile justice.
- III. One member of the house judiciary committee, appointed by the chairman of the house judiciary committee.
- IV. One senate member, appointed by the senate president.
- V. Two members of the New Hampshire Bar Association's criminal justice section, one of whom shall be a prosecutor and one of whom shall be a defense attorney, appointed by the New Hampshire Bar Association.
- VI. Two victim advocates, appointed by the director of the New Hampshire Coalition on Sexual and Domestic Violence.
- VII. One person appointed by the office of victim/witness assistance.

2 Meetings; Compensation. The committee member who is the house member from the committee on children, youth and juvenile justice shall serve as interim chairman of the committee and call the first meeting of the committee within 30 days of the effective date of this act. The committee shall elect a chairman and vice-chairman at its first meeting. Committee members shall serve without compensation or mileage reimbursements.

3 Report. The committee shall prepare a report on its findings, including recommendations for legislation to be introduced in the 1990 legislative session, and submit such report to the speaker of the house, the senate president, and the governor on or before December 15, 1989.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the laws pertaining to depositions. The committee shall prepare a report on its findings and recommendations, to be submitted to the speaker of the house, the senate president and the governor on or before December 15, 1989.

HB 660-FN, establishing a statewide conference on families. Re-refer to Committee.

While the Committee feels there is merit in this bill, there needs to be more work done to clarify the focus and purpose of the conference. The Committee also had questions regarding raising of funds and administration of the conference. Vote 17-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

HB 677, relative to modification of child support guidelines. Ought to Pass with Amendment.

House Bill 677 has been amended to provide changes that the Committee felt necessary to put forth solid, revised guidelines for child support. These guidelines now take into consideration the salaries of both the custodial and the non-custodial parent and makes allowances for special child care expenses up to a maximum of \$9,000. There is also provision for annual review of the guidelines initially to allow for fine-tuning as more empirical data becomes available. Additionally, the law will provide rulemaking authority to provide a special package of information for parents. The kit will contain information and procedures regarding "how to proceed" for "Order Modification," plus allowable techniques for accountability monitoring. The Committee felt that a sliding percentage scale, by age groups, would need to be considered in the immediate future, when more data results are available for analysis. Vote 18-0. Rep. Pamela B. Bean for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 458-C:3, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) For those cases involving work-related child care expenses the same methodology described in subparagraphs (a) and (b) shall be used, except as part of the determination of each parent's share of the child support obligation, actual work-related child care expenses, up to no more than a total of \$4,000 for a single child, \$6,500 for 2 children, and \$9,000 for 3 or more children, shall be deducted from the adjusted gross income of the parent incurring the expense.

Amend RSA 458-C:6 as inserted by section 7 of the bill by replacing it with the following:

458-C:6 Review of Guidelines. The division of human services, department of health and human services, shall review the guidelines provided under this chapter once every year in order to determine whether application of such guidelines results in the determination of appropriate child support award amounts.

Amend the bill by replacing section 8 with the following:

8 Applicability. Review of guidelines pursuant to section 7 of this act shall commence 1 year after its date of enactment and every year thereafter until such time as the division of human services, department of health and human services, shall have made an annual report to the house committee on children, youth and juvenile justice

and the senate committee on public institutions, health and human services, which includes empirical data relative to application of child support guidelines and demonstrates whether such guidelines have resulted in stability of rates. Once stability of rates has been demonstrated to the satisfaction of such committees, review of guidelines pursuant to section 7 of this act shall be conducted every 4 years commencing with the year under review at such time and continuing every 4 years thereafter.

Amend the bill by inserting after section 8 the following and renumbering original sections 9 and 10 to read as sections 10 and 11, respectively:

9 Rulemaking. The division of human services, department of health and human services, shall adopt rules, pursuant to RSA 541-A and with the advice of the superior court, allowing for, and information and application packet providing the following information relative to seeking modification of child support orders:

- I. Requirements for application.
- II. Application procedures.
- III. Any allowable accountability measurements.
- IV. Any other necessary information, including information on distribution of the information and application packet.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Section 10, paragraphs II and III, shall take effect 1 year after the passage of this act.

II. The remainder of this act shall take effect 60 days after its passage.

HB 678, relative to visitation rights. Inexpedient to Legislate.

The Committee by a vote of 18-0 found this bill Inexpedient to Legislate, along with another, HB 618. Three bills came before the Committee addressing grandparent visitation. These two were definitely found flawed, weaker in content and unclear in wording. The third (HB 487) will address concerns of the other two bills. Vote 18-0. Rep. Irene C. Domini for Children, Youth and Juvenile Justice.

HB 705-FN, relative to drug-free school zones and increasing penalties for drug offenses. Re-refer to Committee.

While the Committee realizes the extreme importance of this bill, it was decided to combine it with HB 545 relative to drug-free schools. Vote 15-0. Rep. Douglas G. Forsythe for Children, Youth and Juvenile Justice.

HB 717, relative to parenting plans. Inexpedient to Legislate.

This bill has two major flaws which cause the unanimous Committee vote for Inexpedient to Legislate. The first flaw is that the philosophy of shared parenting would be mandated under this bill rather than an option as it is now. Secondly, the change of the term "custody" to "shared parenting" would impact school district RSAs, as well as the referenced RSA addressed in this bill. This would lead to a near chaotic status and is unacceptable. Vote 18-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

HB 88-FN, relative to weights and measures. Ought to Pass with Amendment.

House Bill 88 was requested by the Commissioner of Agriculture with an amendment from the Mayor of Manchester that would allow funds to be collected and to be retained in full by cities that performed the service. Vote 15-0. Rep. G. Philip Rodgers for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 9 with the following:

9 Enforcement Powers. RSA 438:15 is repealed and reenacted to read as follows:

438:15 Enforcement Powers. When necessary to perform his duties or to implement the provisions of this chapter or rules adopted pursuant to this chapter, the commissioner or his inspectors at his direction may:

I. Enter any commercial premises during normal business hours; except that, in the event such premises are not open to the public, he shall first present his credentials and obtain consent before entering such premises unless a search warrant has been obtained.

II. Issue stop-use, hold, or removal orders with respect to any incorrect or unsealed weights and measures commercially used and stop-sale, hold, and removal orders with respect to any packaged commodities or bulk commodities kept, offered, or exposed for sale which do not meet the requirements of this chapter.

III. Seize, for use as evidence and without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this section or any rule adopted pursuant to this section.

Amend RSA 438:15-a as inserted by section 10 of the bill by replacing it with the following:

438:15-a Training of Inspectors. The commissioner shall cause inspectors to receive training and education necessary for them to carry out duties assigned to them in connection with enforcing the provisions of this chapter.

Amend the bill by replacing section 13 with the following:

13 National Institute of Standards and Technology Handbook 130.

Amend RSA 438:20 to read as follows:

438:20 Method of Sale of Commodities; General. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this chapter, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count; provided however, that liquid commodities may be sold by weight, and commodities not in liquid form may be sold by count, only if such methods give accurate information as to the quantity of commodity sold[; provided further that]. *All nomenclature, procedure, and methods of sale of commodities in this state shall comply with the National Institute of Standards and Technology Handbook 130 and all amendments to such handbook, unless otherwise provided in this chapter.* The provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in containers standardized by a law of this state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The commissioner may adopt such reasonable rules as are necessary to assure that the amounts of a commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

Amend the bill by replacing section 15 with the following:

15 Fees. RSA 438:36 is repealed and reenacted to read as follows:

438:36 Fees. All fees and fines collected by a state inspector under the provisions of this chapter shall be forwarded to the commissioner of agriculture to be forwarded by him to the state treasurer. All fees and fines collected by a city sealer in that city shall be for the use of that city for the purposes of this chapter.

Amend the bill by replacing all after section 17 with the following:

18 Training of Inspectors. Any inspector of the department of agriculture serving under permanent appointment on the date of passage of this act who is authorized to enforce the provisions of RSA 438 pertaining to weights and measures shall successfully complete the commissioner's training program within one year of the program's implementation.

19 Repeal. The following are repealed:

- I. RSA 438:27, relative to meat, poultry and seafood.
- II. RSA 438:28, relative to bread.
- III. RSA 438:29, relative to butter, oleomargarine and margarine.
- IV. RSA 438:30, relative to fluid dairy products.
- V. RSA 438:31, relative to flour, cornmeal, and hominy grits.
- VI. RSA 438:34, relative to berries and small fruits.

20 Effective Date.

- I. Section 17 of this act shall take effect January 1, 1990.
- II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill eliminates the annual inspection requirement for calibrating weights and measures. The commissioner of agriculture is given the authority to issue orders to enforce RSA 438 and to impose administrative fines. The commissioner is also authorized to license all devices used commercially to measure articles offered for sale and to establish license fees.

Inspectors in the department of agriculture are required to complete a training program established by the commissioner. The bill makes discretionary the current requirement that there be a sealer of weights and measures in cities over 35,000.

The bill also imposes a civil penalty for violations of RSA 438 and updates statutory language and references to certain federal publications.

The bill requires nomenclature, procedure, and methods of sale of commodities to comply with the National Institute of Standards and Technology Handbook 130.

This bill is a request of the department of agriculture.

Referred to Appropriations.

HB 323, relative to payment of costs of bank examinations. Ought to Pass.

Bank examinations conducted by the State Banking Department are paid for by the institutions. What actually occurs is at the bank, at the conclusion of the exam, the Banking Commissioner issues a statement that must be remitted within 30 days. Most of these bills require approval of the Board and as often happens, the Board might not be scheduled to meet within the 30-day period. If the bill is not paid within the statute's period, the late payment is recorded in the Banking Department's records. Our Banking Commissioner suggested that where the delinquency is based only on an accident of time, that the period for payment be extended to 60 days. The Committee

unanimously agreed on a vote of 12-0. Rep. Leo J. Fraser, Jr. for Commerce, Small Business and Consumer Affairs.

HB 401-FN, imposing a filing fee for registration of securities by coordination. Ought to Pass with Amendment.

This bill, requested by the Office of Securities Regulation, establishes a \$20 filing fee. The amendment removes any suggestion of a dedicated fund. Vote 12-0. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 421-B:13, I-a(a) as inserted by section 1 of the bill by replacing it with the following:

(a) *Along with a \$20 filing fee*, a statement shall be filed with the director that the capital stock of the corporation or the interests of the limited partnership have been registered, or when offered will be registered, under this chapter or are exempted, or when offered will be exempted, under this chapter, or are or will be offered in a transaction exempted from registration under this chapter; and, in the case of a New Hampshire corporation or limited partnership, that the articles of incorporation or certificate of limited partnership state whether the capital stock or interests in the limited partnership will be sold or offered for sale within the meaning of this chapter. The statement shall be signed by the incorporators of a corporation to be formed, by an executive officer of an existing corporation, or by the general partners or intended general partners if a limited partnership.

AMENDED ANALYSIS

This bill requires each corporation or limited partnership registered by coordination with the director of the office of securities regulation to pay a \$20 filing fee when submitting its registration statement.

HB 434-FN-A, relative to franchising and regulation of cable television systems and making an appropriation therefor. Ought to Pass with Amendment.

Essentially, the amended version is a signal of what the cable industry is willing to accept now. The New Hampshire consumer should benefit by the building of a public record in the offices of the Attorney General and the Secretary of State, as specified in the bill, and by having this basis for further legislation. Vote 14-1. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definitions. RSA 53-C:1 is repealed and reenacted to read as follows:

53-C:1 Definitions. In this chapter:

I. "Cable television system" means facilities by which television signals are received at a central location and for consideration are transmitted to customers or subscribers by means of cables or wires.

II. "Company" means any person, partnership, association, or corporation, including a municipality, owning or operating a cable television system, except for any nonprofit system serving fewer than 100 subscribers.

III. "Franchise" means an initial or renewed authorization issued by a franchising authority to construct or operate a cable system.

IV. "Franchising authority" means any governmental entity empowered by federal, state, or local law to grant a franchise.

V. "Master antenna television system" means a cable television system which serves only the residents of one or more apartment dwellings under common ownership, control or management, and any commercial establishment located on the premises of such apartment house and which transmits only signals broadcast over the air by stations which may be viewed normally or heard locally without objectionable interference, and which does not provide any additional service over its facilities.

VI. "Municipality" means a city or town.

2 Franchise Required. Amend RSA 53-C:2 to read as follows:

53-C:2 Franchise Required. No [person] *company* shall construct, commence construction, or operate a cable television system in any municipality without first obtaining a written franchise from the franchising authority of each municipality in which such system is installed or to be installed.

3 New Section; Franchise Considerations. Amend RSA 53-C by inserting after section 3 the following new sections:

53-C:3-a Franchise Applicant Considerations.

I. No municipality shall grant a franchise for cable service to a cable system within its jurisdiction without first, at a duly noticed public hearing, having considered:

(a) The financial ability of the franchise applicant to perform.

(b) The ability of the applicant to provide adequate and technically sound facilities, equipment and signal quality.

(c) Adequate channel capacity and appropriate facilities for public, educational, or governmental use, taking into account available technology, subscriber interest, and cost.

(d) The prohibition of discrimination among customers of basic service.

(e) Reasonable service quality in terms of available technology, subscriber interest, and cost.

(f) Construction and installation which conforms to all applicable state and federal laws and regulations and the National Electric Safety Code.

(g) A competent staff able to provide prompt, adequate service and to respond comprehensively to customer complaints or problems.

(h) Reasonable rules and policies for line extensions and disconnects, customer deposits, and billing practices.

53-C:3-b Franchises; Administration by Municipality.

I. All franchises shall be non-exclusive. No municipality shall grant any additional franchises to cable service within its jurisdiction on terms or conditions more favorable or less burdensome than those in any existing franchise within such municipality.

II. Nothing in this section shall be construed to prevent any municipality considering the approval of an additional cable service franchise in all or any part of the area of such municipality from imposing additional terms and conditions upon the granting of such franchises as such municipality shall in its sole discretion deem necessary or appropriate.

III. All cable service franchises in existence as of May 1, 1989, shall remain in full force and effect according to their existing terms.

53-C:3-c Credits and Refunds for Interruption of Service. Every franchisee shall agree to the following:

I. In the event its service to any subscriber is interrupted for 24 or more consecutive hours, it will, upon request, grant such subscriber a pro rata credit or rebate.

II. It will maintain an office which shall be open during usual business-hours, have a listed toll-free telephone number, and be capable of receiving complaints, requests for adjustments, and service calls.

53-C:3-d Notice to Subscribers Regarding Quality of Service.

I. Annually, every cable television system operator shall mail to each of its subscribers a notice which:

(a) Informs subscribers how to communicate their views to the cable company and to the office of the attorney general, consumer protection and antitrust bureau;

(b) States the responsibility of the office of the attorney general, consumer protection and antitrust bureau to receive and act on consumer complaints.

II. Such notice shall be in nontechnical language, understandable by the general public, and in a convenient format. On or before January 30 of each year, the operator shall certify to the franchising authority and to the office of the attorney general, consumer protection and antitrust bureau that it has distributed the notice as provided in this section during the previous calendar year as required by this section.

53-C:3-e Recording of Subscriber Complaints.

I. Every cable television system operator shall keep a record or log of all written complaints received regarding quality of service, equipment malfunctions, billing procedure, employee relations with customers and similar matters. Such records shall be maintained for a period of 2 years.

II. Such record shall contain the following information for each complaint received:

(a) Date, time, nature of complaint;

(b) Name, address, telephone number of complainant;

(c) Investigation of complaint;

(d) Manner and time of resolution of complaint; and

(e) If the complaint regards equipment malfunction or the quality of reception, a report indicating corrective steps taken, with the nature of the problem stated. Every cable television system operator shall make the logs or records, or both, of such complaints available to any authorized agent of the franchising authority upon request during normal business hours for on-sight review.

53-C:3-f Franchise Document Clearing House.

I. Within 60 days of the granting of an initial franchise and any renewal of such franchise, the franchisee shall file a copy of the franchise with the secretary of state. Within 60 days of the passage of this act all cable system operators shall file a copy of their existing franchise with the secretary of state. The secretary of state shall maintain a file of all franchise documents so recorded and make copies available upon request for the cost of reproduction and mailing, plus a reasonable administrative fee. The filing fee for initial and renewal franchise documents shall be \$25 per franchise or renewal of such franchise.

53-C:3-g Rights of Individuals:

I. No cable television system operator shall deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, sex, physical handicap, or country of natural origin.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides municipalities with considerations relative to the granting of cable television franchises which are to be considered at a public hearing called for such

purpose. The bill sets up a process by which subscribers can communicate with cable television companies and the department of justice regarding their cable television service. The bill also requires each cable television system to submit a copy of its franchise to the secretary of state.

Referred to Appropriations.

HB 463, excluding credit life and health companies from the 30-day premium return requirement. Ought to Pass.

This bill removes the requirement that credit life insurance companies refund premiums within 30 days of the termination of insurance. Vote 15-0. Rep. Robert C. Bicknell for Commerce, Small Business and Consumer Affairs.

HB 493, relative to insurance premium refunds. Ought to Pass with Amendment.

The bill requires an insurer to return to an insurance agent for the account of the insured unearned premiums due on a contract canceled at the request of the insurance agent for nonpayment of premiums. The bill was amended to eliminate some duplicate language with the first part of the bill and added that the refund would be returned within 10 days of receipt of the return premiums. Vote 14-0. Rep. Robert C. Bicknell for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 402:81, II as inserted by section 1 of the bill by replacing it with the following:

II. Whenever an insurance contract is cancelled at the request of an insurance agent for nonpayment of premium, a refund shall become due upon receipt by the insurance company of the request for cancellation. The insurance company shall return any unearned premium to the insurance agent for the account of the insured within the appropriate period specified in paragraph I of this section. In the event that crediting of return premiums to the account of the insured results in a surplus over the amount due the insurance agent from the insured, the insurance agent shall refund such excess to the insured within 10 days of receipt of the return premium, provided, that no such refund shall be required if it amounts to less than \$1.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 1989.

HB 524, requiring insurers to send cancellation notices. Re-refer to Committee.

The bill does not quite address or solve the problem of the sponsor, as written. The Committee feels this can possibly be solved by the Insurance Department rules, but needs to study all angles to resolve in the best manner for policy holders. It would like this opportunity as it is a potentially serious problem. Vote 11-1. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 666-FN, relative to insurance benefits for mental and nervous conditions. Inexpedient to Legislate.

The sponsor requested that his bill be withdrawn as SB 65 addresses the study of this issue. The Committee concurs. Vote 13-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 562-FN, making technical changes in the election laws. Ought to Pass with Amendment.

At the public hearing on this bill, Secretary of State Gardner spent a considerable amount of time answering this Committee's questions. In Executive Session, the Committee also spent a considerable amount of time going through this bill section by section. Vote 10-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing section 1 with the following:

1 Form of Voter Registration Card. RSA 654:7 is repealed and reenacted to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be 4 inches by 6 inches and shall be made in triplicate. The secretary of state shall provide for the preparation of the voter registration form which shall be in substantially the following form:

Date

VOTER REGISTRATION CARD
(Please print or type)

1. Name _____
Last First Middle Initial

2. Address _____
Street Ward No.
_____ Town or City Zip

3. Mailing Address if different than in 2. _____

4. Place and Date of Birth _____
Town or City State

5. If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote, if not a new registrant _____

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address, that I am a United States citizen, and that I am 18 years of age or older, and that the information above is true and correct to the best of my knowledge and belief.

(Signature of Applicant)

Amend the bill by replacing sections 3, 4, and 5 with the following:

3 Posting Checklist. Amend RSA 654:26 to read as follows:

654:26 Posting Checklist. The supervisors shall make and post copies of the current checklist at [2] *one* or more public places in town *and at the office of the town or city clerk* not later than the fourth Tuesday before the day of any state election.

4 Sessions for Correction. Amend RSA 654:27 to read as follows:

654:27 Sessions for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on at least 2 occasions before any state election, the last of which shall be on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed, *provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, for at least 2 hours between 6:00 p.m. and 9:00 p.m.* The first session shall be upon the third Tuesday preceding the day of election and shall take place for at least 2 hours between 6:00 p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

5 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after 6:00 p.m. on the session [day] which is held on the Saturday 10 days prior to election day, except as provided in RSA 659:12 *or RSA 654:27, provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election for at least 2 hours between 6:00 p.m. and 9:00 p.m.* The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

Amend the bill by replacing sections 7, 8 and 9 with the following:

7 Qualification Requirements Eliminated. Amend RSA 654:8 to read as follows:

654:8 Application to Town or City Clerk. Any person who has his domicile in any town or city in this state and whose name does not appear on the checklist of said town or city may apply to the town or city clerk for the purpose of having his name added thereto by filling out the form provided for in RSA 654:7. The office of the town or city clerk shall have the power to accept applications from such persons under the following conditions:

[I. The supervisors of the checklist shall determine the qualifications of voters as provided in RSA 654:12.

II. The supervisors of the checklist may issue guidelines to the town clerk for the taking of evidence of qualifications presented by applicants.]

[III.] I. No application hereunder shall be accepted after the last meeting of the supervisors of the checklist before an election.

[IV.] **II.** Such application shall be made during the regular office hours of the town or city clerk.

8 Posting Checklist. Amend RSA 654:33 to read as follows:

654:33 Posting Copies; Notice of Sessions. The supervisors shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in [2] **one** or more public places in such town or ward **and at the office of the town or city clerk** at least 10 days prior to any session provided for in RSA 654:32; and notice of the date, hour and place of the **session or** sessions to revise such registration shall be given upon such [checklists] **checklist**.

9 Session for Verification of Checklist. Amend RSA 654:39, II to read as follows:

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall advertise **and post** notice of their sessions at least twice in a newspaper of general circulation [in] **and at the office of** the town or city **clerk** and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be[; provided, that in the city of Manchester, the period shall be between February 1 and August 1]. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

Amend the bill by replacing section 13 with the following:

13 Posting General Election Warrant. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at [any one] **all the** polling [place] **places** and [one other place in] **at the office of** the town or [ward] **city clerk**. Said warrant shall prescribe the hour the polls are to open and the hour before which they may not close as provided in RSA 659:1 [through 659:8]. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

Amend the bill by replacing sections 15 and 16 with the following:

15 Checklist at Additional Polling Places. Amend RSA 658:12 to read as follows:

658:12 Checklist. Immediately after the establishment of an additional polling place and the creation of the voting district to be served thereby, the supervisors of the checklist shall prepare a separate checklist of the voters entitled to vote at such a polling place. Such separate checklist shall thereafter be posted and revised along with the checklist for the central polling place as provided in RSA 654. At least 14 days before any state election, the supervisors shall post at one or more public places within the voting district **and at the town or city clerk's office** a true and attested copy of such list and shall, before the election, lodge with the town clerk 2 copies of such list.

16 Appointing Clerk Pro Tem. Amend RSA 658:20 to read as follows:

658:20 Clerk Pro Tem. If a town or ward clerk is absent from any state election or is unable to perform [his] **the duties of the clerk** and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tempore shall be appointed by the [selectmen] **town clerk**.

Amend the bill by replacing section 19 with the following:

19 Repeal. RSA 654:12, relative to qualification of applicants and checklists, is repealed.

AMENDED ANALYSIS

This bill amends the election laws relative to:

- I. The information on voter registration forms.
- II. The information used on checklists.
- III. Posting and the availability of checklists.
- IV. The time for holding sessions to correct the checklist and the procedures used during those sessions.
- V. Certifying and verifying checklists.
- VI. Placing the name of substitute candidates on the ballot.
- VII. Records of absentee ballots.
- VIII. Posting general election warrants.
- IX. Appointing assistant election officials.
- X. Disqualifying election officials.
- XI. Appointing county officers when a vacancy occurs.
- XII. Qualifications for voters' names to be added to checklists.

HB 575-FN, relative to campaign financing. Re-refer to Committee.

This bill will be the vehicle to amend the Senate Bill in the next session. Vote 10-0. Rep. Natalie S. Flanagan for Constitutional and Statutory Revision.

HB 556, relative to the rulemaking authority and powers and duties of the board of governors and the administrative board of the department of postsecondary vocational-technical education. Ought to Pass.

This bill, agreed to by all concerned parties, offers a procedure by which the Post-secondary Education authorities can more efficiently operate and control their operations. Vote 14-0. Rep. Nils H. Larson, Jr. for Education.

Referred to Appropriations.

HB 640-FN, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan. Ought to Pass.

The Committee feels that due to the fact that similar pieces of legislation concerning other school districts' withdrawals have passed, it is just following past practices concerning the issue of withdrawing from area agreements. All districts concerned are in agreement. Vote 17-0. Rep. Herbert N. Foote, Sr. for Education.

HB 646-FN, relative to distribution to schools of sweepstakes revenues on a student per capita basis. Inexpedient to Legislate.

Since sweepstakes remains the only source of funding for education under the current budget proposal, the effect of this bill would be to virtually eliminate state aid to small school districts in direct conflict with the expressed aims of the Augenblick formula and its intent to offer equal educational opportunities throughout the state. Vote 14-0. Rep. Nils H. Larson, Jr. for Education.

HB 622-FN, relative to vested deferred retirement benefits for group I members. Ought to Pass with Amendment.

This bill is to conform to federal requirements. Under present law, there is a provision allowing group I members with 10 or more years of service to take a reduced early retirement at age 50, and another provision allowing group I members who

leave employment before age 60 with 10 or more years of service to take "vested deferred retirement," benefits deferred until age 60. This bill would permit combining the two provisions, so that a reduced early vested deferred retirement becomes possible. The amendment corrects an error. Vote 14-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Vested Deferred Retirement. RSA 100-A:10, I(b) is repealed and reenacted to read as follows:

(b) At any time after attainment of age 50, a group I member who has made such election may apply for and receive a vested deferred retirement allowance which shall consist of a member annuity which shall be the actuarial equivalent of the member's accumulated contributions on the date of retirement and a state annuity which, together with the member annuity, shall be equal to either the service retirement allowance payable under RSA 100-A:5, I(a) and I(b) or the reduced early service retirement allowance payable under RSA 100-A:5, I(c), based on the member's age when the vested deferred retirement allowance begins and on the member's average final compensation and creditable service at the time service is terminated.

Referred to Appropriations.

HB 696-FN, to define public safety hazardous duty employees for New Hampshire retirement system purposes. Re-refer to Committee.

The Committee felt it needed more time to study the bill and its amendment. After the study, the Committee felt it would be able to provide a clear and concise bill to the Legislature. Vote 13-0. Rep. John A. King for Executive Departments and Administration.

HB 444-FN, licensing ophthalmic dispensing. Inexpedient to Legislate.

The Committee felt that SB 164, which registers opticians in the same manner as hearing aid dealers, is a more reasonable approach than the licensing concept proposed in HB 444. Nationally, there is a trend to register or certify the allied-health professions and move away from the more restrictive laws of licensing. The Committee is convinced that this decision is in the best interest of the consumer. Vote 14-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

HB 264-FN, prohibiting the prescription, possession, or use of anabolic steroids for athletic enhancement. Ought to Pass with Amendment.

The title and content of this bill are being changed to make it illegal to prescribe, possess or use steroids for any reason other than for medical treatment. An amendment was drafted to add steroids to the list of banned drugs under RSA 318:B-1. Vote 15-0. Rep. C. William Johnson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
prohibiting the distribution, sale, possession or use of
anabolic steroids except for purposes
of medical treatment.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Definition; Anabolic Steroids. Amend RSA 318-B:1 by inserting after paragraph II the following new paragraph:

II-a. "Anabolic steroid" includes any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body:

- (a) Clostebol;
- (b) Dehydrochlormethyltestosterone;
- (c) Ethylestrenol;
- (d) Fluoxymesterone;
- (e) Mesterolone;
- (f) Methandienone;
- (g) Methandrostenolone;
- (h) Methenolone;
- (i) Methyltestosterone;
- (j) Nandrolone;
- (k) Norethandrolone;
- (l) Oxandrolone;
- (m) Oxymesterone;
- (n) Oxymetholone;
- (o) Stanozolol; and
- (p) Testosterone;

2 New Paragraph; Prohibition; Anabolic Steroids. Amend RSA 318-B:26 by inserting after paragraph III the following new paragraph:

III-a. Any person who prescribes, sells, provides, or distributes anabolic steroids to another person for purposes other than treatment of a medical problem or injury shall be guilty of a class B felony. Any person who uses or possesses with the intent to use anabolic steroids for purposes other than treatment or a medical problem or injury shall be guilty of a misdemeanor.

3 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill makes it a class B felony for any person to prescribe, sell, provide or distribute anabolic steroids for purposes other than medical treatment. In addition, any person who uses or possesses with the intent to use anabolic steroids for purposes other than medical treatment is guilty of a misdemeanor under this bill.

HB 319-FN, relative to video taping depositions of the elderly. Inexpedient to Legislate.

Video-taped depositions are now permitted for juveniles, but the Committee feels that it would not be wise to include other groups in this category. There may be 30 year olds who would like to be exempted, for instance. Vote 15-1. Rep. Elizabeth D. Lown for Judiciary.

HB 564, permitting awards of enhanced damages in civil suits against intoxicated drivers. Inexpedient to Legislate.

This bill is a backdoor approach to allowing punitive and double damages which are not allowed under New Hampshire law. Rep. Elizabeth D. Lown for Judiciary.

HB 643-FN, relative to retention and destruction of district court records. Ought to Pass with Amendment.

The bill requires the Supreme Court to establish by court rules, retention and destruction of all district court records, responsibility for payment of costs of court-

ordered services and the repeal of certain statutes relating to taxable court costs. Vote 16-0. Rep. W. Kent Martling for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to retention and destruction of district court records,
responsibility for payment of costs of court-ordered
services, and taxable court costs.

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Payment of Costs of Court-Ordered Services. Amend RSA 490 by inserting after section 30 the following new subdivision:

490:31 Court-Ordered Costs; Authorization for Payment of Expenses. In those instances where the courts have the authority to order services to be rendered and the responsibility for payment is unclear, the court may assume said responsibility.

3 Repeal. The following are repealed:

- I. RSA 490:21, relative to court costs.
- II. RSA 490:22, relative to attendance and travel costs.
- III. RSA 490:23, relative to a limitation on travel.
- IV. RSA 525, relative to court costs.

4 Effective Date.

- I. Section 2 of this act shall take effect upon its passage.
- II. The remainder of this act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill requires the supreme court to establish, by court rules, retention and destruction schedules for all district court records. Currently, the retention and destruction schedules are established by statute.

This bill clarifies that where courts order services, the court may assume responsibility for the payment of costs of such services.

The bill also repeals certain statutes regarding taxable court costs.

HB 672-FN, relative to immediate administrative license revocation and blood alcohol content tests, and relative to color-coded minors' and probationary licenses. Inexpedient to Legislate.

The Committee had several problems with this bill. As proposed, a person would no longer have the opportunity to receive a blood alcohol test provided by the state. Only a breathalyzer test would be used to determine when a license would be subject to revocation. This bill would not get drunk drivers off the road as they would be issued a 10-day temporary license, which the sponsor felt should be 20 days. Vote 15-2. Rep. Shawn N. Jasper for Judiciary.

HB 699-FN, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence. Ought to Pass with Amendment.

The bill was amended to include arson and extortion in a list of felonies to be considered when a person who has been convicted three or more times has firearms in his control. Such persons are considered as armed career criminals and shall be sentenced to a minimum mandatory term of 10 years. Vote 17-0. Rep. C. William Johnson for Judiciary.

Amendment

Amend RSA 159:3-a, I and II as inserted by section 1 of the bill by replacing them with the following:

I. No person who has been convicted of any combination of 3 or more felonies in this state or any other state under homicide, assault, sexual assault, arson, burglary, robbery, extortion, child pornography, or controlled drug laws, shall own or have in his possession or under his control, a pistol, revolver, rifle, shotgun, or any other firearm.

II. Any person who violates paragraph I shall be guilty of a felony and, notwithstanding RSA 651:2, II, shall be sentenced to a minimum mandatory term of 10 years imprisonment and a maximum term of imprisonment of not more than 40 years and shall be fined not more than \$25,000.

AMENDED ANALYSIS

This bill imposes a minimum mandatory prison sentence of 10 years and a fine of up to \$25,000 for any person who has been convicted 3 or more times of certain felonies and uses or possesses or has under his control certain firearms.

HB 709, relative to use of recording devices by plaintiffs and defendants. Ought to Pass with Amendment.

The bill grants any plaintiff or defendant the right to record, by use of an unobtrusive audio device at his or her own expense. The amendment makes it clear that the recording cannot be used for any evidentiary purpose in any court. Vote 11-5. Rep. Beverly Hollingworth for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Right to Record Proceedings; Municipal Court. Amend RSA 502 by inserting after section 29 the following new section:

502:29-a Use of Recording Devices. Upon petition by any party, the court shall allow recording of the proceeding before it by any unobtrusive and appropriate audio recording device. Any such recording may be used by the party for the party's own purposes, but said recording shall not be introduced for any evidentiary purpose in any court. The recordings shall be made at the expense of the petitioner, except as provided under RSA 599:1-c for violations. If in a criminal proceeding the defendant is indigent, the defendant shall upon request at least 5 days prior to any hearing or trial be entitled to a sound recording of the proceedings at state expense.

2 Right to Record Proceedings; District Court. Amend RSA 502-A:27-d to read as follows:

502-A:27-d Use of Recording Devices. Upon petition by any party the court [may, in its discretion,] *shall* allow [said party to record the proceedings by any] recording *of the proceeding before it by any unobtrusive and appropriate audio recording device. Any such recording may be used by the party for the party's own purposes, but said recording shall not be introduced for any evidentiary purpose in any court.* The recordings shall be made at the expense of the petitioner, except as provided under RSA 599:1-c for violations. If in a criminal proceeding the defendant is indigent, the defendant shall upon request at least 5 days prior to any hearing or trial be entitled to a sound recording of the proceedings at state expense.

3 Effective Date. This act shall take effect January 1, 1990.

HB 759-FN, relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery. Re-refer to Committee.

More work is necessary on this bill. The Attorney General's Office has requested that a Subcommittee be appointed to work on this bill and will assist in redrafting the bill. Vote 15-0. Rep. C. William Johnson for Judiciary.

HB 191, clarifying the definition of a seasonal establishment for purposes of overtime compensation. Inexpedient to Legislate.

The bill was an attempt to clarify the definition of a seasonal establishment for purposes of overtime compensation. The Committee generally agreed with the Labor Commissioner when he testified against the bill, saying that if the bill were to be passed, it could have a negative impact on all restaurants and inns here in New Hampshire. Vote 12-1. Rep. David O. Dow for Labor, Industrial and Rehabilitative Services.

HB 757, relative to wages during holiday weeks. Inexpedient to Legislate.

The bill was considered to be unclear as to implementation and application as the manner of employer methods and controls vary with the nature and composition of employment. This subject is best left with the employers concerned. Vote 13-0. Rep. Eugene Ritzo for Labor, Industrial and Rehabilitative Services.

HB 742-FN, relative to retirement benefits for legislative staff and constitutional officers. Inexpedient to Legislate.

The bill provides a retirement plan in group I of the New Hampshire Retirement System for legislative employees and constitutional officers. Opposing testimony argued that the bill should clearly state the funding procedure and the portion to be contributed by the state and the employee. The bill only addresses a certain segment of group I employees and could create dissension amongst the other employees in group I. Vote 12-0. Rep. Mary Ann Lewis for Legislative Administration.

HB 489, relative to utility easements. Ought to Pass with Amendment.

This new section of existing law created an exception for existing locations to the permit requirements for utility poles, structures, conduits, cables, etc. which existed in a private way before such private way became a public way. Furthermore, these utility facilities already have been approved by the municipality. Vote 13-2. Rep. George M. West for Municipal and County Government.

Amendment

Amend RSA 231:160-a as inserted by section 1 of the bill by replacing it with the following:

231:160-a Exception for Existing Locations. Any poles, structures, conduits, cables or wires, the location of which have already been approved by the local land use board as part of a subdivision, site plan, or other development approval, shall, if such location becomes a public highway, be deemed legally permitted or licensed without further proceedings under this subdivision; provided, that copies of the appropriate utilities' easements, work plans, or other data showing locations of such structures, are submitted to the municipality for recording purposes.

HB 550, relative to temporary emergency zoning ordinances. Inexpedient to Legislate.

It was the unanimous opinion of the Committee that questions raised under this bill could be handled under present statutes. No one spoke in support except the sponsor. Vote 15-0. Rep. Roger C. King for Municipal and County Government.

HB 573-FN, relative to municipal budget law. Inexpedient to Legislate.

House Bill 573 recodifies the municipal budget act and changes its scope at the same time. The Committee feels that recodification should be done in the not-too-distant future. There seems to be no crucial need to change the 10% top figure on appropriations at this time. Vote 13-0. Rep. David M. Perry for Municipal and County Government.

HB 598-FN, allowing towns to fix a village district for the establishment of a police department, and relative to a village district formed by the towns of Franconia and Sugar Hill. Inexpedient to Legislate.

This is a local issue which has been handled at the local level. Vote 15-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 599-FN, enabling cities and towns to adopt an optional exemption for real estate occupied by physically handicapped. Inexpedient to Legislate.

The purpose of the bill is undeniably well-intentioned, however, certain aspects pose problems of administration to the extent that the Committee could not support it. Vote 15-0. Rep. Carl S. Adams for Municipal and County Government.

HB 601-FN, relative to optional property tax exemptions for the elderly. Inexpedient to Legislate.

This bill was well-intended, but duplicated what is now in the statutes. The amendment did not do what the author intended. Time did not allow further amendment. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 650-FN, relative to removing certain municipal officers. Ought to Pass with Amendment.

This bill authorizes the Commissioner of Revenue Administration to remove tax collectors from office for irregularities in their accounts. The amendment deletes prior reference to treasurers and clerks. Vote 13-0. Rep. Thomas E. Scharff for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to removing tax collectors.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Removal of Tax Collector. Amend RSA 21-J:13 by inserting after paragraph VIII the following new paragraph:

IX. The removal of tax collectors pursuant to RSA 41:40.

Amend the introductory paragraph of RSA 41:40, I as inserted by section 4 of the bill by replacing it with the following:

I. Whenever examination by the department of revenue administration or an independent or certified public accountant reveals the possibility of an irregularity in the accounts of the tax collector, the commissioner of the department of revenue adminis-

tration may remove the tax collector from office in accordance with the following provisions:

Amend the bill by deleting sections 2 and 3 and renumbering sections 4 and 5 to read as 2 and 3 respectively.

AMENDED ANALYSIS

This bill authorizes the commissioner of revenue administration, rather than the town selectmen, to remove town tax collectors from office for irregularities in their accounts.

HB 663-FN, requiring the tax collector and the tax assessor in certain towns to certify tax reports. Inexpedient to Legislate.

The Department of Revenue Administration testified that tax collectors do not have the authority to certify financial reports such as fixed asset schedules, debt schedules and balance sheets as proposed by this bill. Furthermore, the bill is redundant in regard to requiring assessors to certify assessing information; such certification is already provided on the statement of inventory valuation. The representatives of the New Hampshire Tax Collectors Association also testified in opposition. Vote 15-0. Rep. George M. West for Municipal and County Government.

HB 671-FN, relative to the overpayment of taxes by municipalities. Inexpedient to Legislate.

As proposed, this bill would authorize the Commissioner of Revenue Administration to readjust the tax rates he sets for county taxes to be paid by cities, towns, and unincorporated places when he miscalculates a tax rate. The Committee does not see this as a general problem, or one in need of legislative address. Adoption could have a serious negative impact on state finances. Vote 15-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 673-FN, relative to appraising property with newly constructed or renovated buildings. Inexpedient to Legislate.

The sponsor, in his testimony, indicated that the bill as drafted did not meet the requirements of his proposal. Vote 13-0. Rep. Roger C. King for Municipal and County Government.

HB 687, relative to terms of local land use board members. Inexpedient to Legislate.

The proposal conflicts with existing law providing for methods of appointment/election of Land Use Board members. The Committee feels that limitation of terms is better dealt with on a local level. Vote 12-1. Rep. Karen O. Wadsworth for Municipal and County Government.

HB 692, relative to county sheriffs. Inexpedient to Legislate.

This bill proposed that county sheriffs be ineligible to serve as Superintendent of the County Farm, Department of Corrections, or nursing home. The Committee believes that the separation called for has already been established through prior legislation and that, when necessary, the county commissioners already have the authority to appoint someone other than the sheriff to replace an absent superintendent. Vote 16-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations. Re-refer to Committee.

This bill allows certain local enforcement officials to issue cease and desist orders, however, the procedure outlined in the bill is faulty and will require further study. Vote 14-1. Rep. George M. West for Municipal and County Government.

HB 743-FN, relative to reconstruction of buildings destroyed by arson. Inexpedient to Legislate.

This bill will not do what the sponsor wants. Time taken to determine that a building was destroyed by arson could result in the owner suffering hardship having to wait until permitted to construct a new building. Vote 16-0. Rep. JoAnn T. Morse for Municipal and County Government.

HB 756-FN, relative to a housing appeals board and making an appropriation therefor. Re-refer to Committee.

The purpose of HB 756 is to bring before the Legislature a major aspect of the state's problem in providing low and moderate income housing for its citizens and to suggest one type of solution. That solution, however, conflicts with "home rule" and the philosophy of the state that planning and zoning decisions will be made at the local level. The Committee accepts the sponsor's charge that this bill be used as a vehicle for addressing solutions to the problem. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 760, relative to approval of rezoning plans by property owners. Inexpedient to Legislate.

This bill was determined Inexpedient to Legislate since the testimony indicated that it is at odds with current zoning, and would require separate checklists. Also, "property owners affected by the zoning change" may be difficult to determine. Vote 13-0. Rep. Katherine H. Metzger for Municipal and County Government.

HB 761-FN, relative to the salaries of certain county officers. Inexpedient to Legislate.

The Committee was of the opinion that since the current statute relative to adjusting salaries of county officials was recently enacted (1987) it should be given a fair trial and not changed during this session. Vote 11-2. Rep. George M. West for Municipal and County Government.

HB 557, relative to restoration and preservation of covered wooden bridges. Re-refer to Committee.

The Committee feels that the intent of the sponsor is worthwhile, but there needs to be some work with the Department of Transportation to make sure the bill works and is not prohibitively restrictive. It would like the opportunity to work on this bill and make it a good bill. Vote 17-0. Rep. Fredrik Peyron for Public Works.

HB 464, relative to allowing the Sons of the American Legion to assist the American Legion posts with bingo games. Ought to Pass with Amendment.

According to testimony before the Committee, charitable organizations are having difficulty finding enough workers among its membership to work Bingo Games. Allowing the sons and daughters of the bona fide members to assist should help the organizations. Vote 14-0. Rep. Lynn C. Horton for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sons and daughters of members of charitable organizations assisting with bingo games.

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of Bingo Games. Amend RSA 287-E:7, I by inserting after subparagraph (b) the following new subparagraph:

(c) Notwithstanding subparagraph (a), all charitable organizations that conduct bingo games for charitable purposes may allow sons and daughters of bona fide members who are at least 18 years of age to assist with the operation of the bingo games. A list of the names of the persons assisting shall be submitted to the department of safety prior to the scheduled bingo event.

2 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill authorizes any charitable organization to permit the sons and daughters of bona fide members who are at least 18 years old, to assist in the conducting of bingo games. The names of the persons assisting shall be submitted to the department of safety prior to the scheduled bingo event.

HB 652-FN, relative to discounts and credit terms for the sale of wine. Ought to Pass with Amendment.

Due to the fact that this would impact state revenues, the Committee amended this bill to allow uniform credit terms for restaurants and stores. The Liquor Commission agreed that this was fair and it approved the policy that this amendment will put in place. Vote (14-0) Rep. Lynn C. Horton for Regulated Revenues.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Discounts Extended to Wine. Amend RSA 176:10-a to read as follows:

176:10-a Discount *and Credit* on Sales to On-Sale Permittees. *Pursuant to RSA 541-A and in furtherance of the objectives of this chapter the commission shall adopt rules providing for the following:*

I. When fixing the price for sale of liquor and wine to on-sale permittees or licensees, the commission may allow discounts of not more than 10 percent from the regular retail [sale] price on case lot orders F.O.B. the warehouse.

II. The commission shall adopt a schedule of hours and procedures by which wine and liquor may be purchased from the warehouse or state liquor store for resale by on-sale permittees or licensees on a credit basis, the terms of which shall provide for payment of accounts within a period not to exceed 15 days.

AMENDED ANALYSIS

This bill requires the liquor commission to adopt rules concerning a schedule of hours and procedures by which wine and liquors may be purchased by on-sale permittees.

The bill also extends a 15 day credit period to on-sale permittees.

HB 620-FN, relative to the maintenance of boat launching ramps and related parking areas. Inexpedient to Legislate.

The bill addresses maintenance of boat launching and related parking areas. This bill will be addressed in the study proposed under HB 254. Vote 16-0. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

HB 147-FN, relative to commercial driver licensing. Ought to Pass with Amendment.

The bill implements the provision of the Federal Commercial Vehicle Safety Act of 1986 which will set up legislation so that New Hampshire policy will be in conformity. To protect the indiscriminate use of the Social Security number, the Committee has added the safeguard that while the Social Security number must be on the Commercial Driver's application it will only be on the Commercial Driver's license at the specific request of the applicant. Vote 18-0. Rep. Kenneth W. Malcolm for Transportation.

Amendment

Amend RSA 259:12-e, II as inserted by section 3 of the bill by replacing it with the following:

II. The term commercial motor vehicle shall not include:

- (a) Emergency vehicles assigned or registered to a fire department or fire service organization when driven by fire service personnel in pursuit of fire service purposes.
- (b) Recreational vehicles.
- (c) Military vehicles when driven by non-civilian military personnel in pursuit of military purposes.
- (d) Vehicles used exclusively for agriculture and farming.

Amend RSA 259:98-a, I as inserted by section 14 of the bill by replacing it with the following:

I. Excessive speeding, which means traveling at a rate that is 15 miles per hour or more above the speed limit.

Amend RSA 263:84, I as inserted by section 17 of the bill by replacing it with the following:

I. Any driver of a commercial motor vehicle holding a driver's license issued by this state:

- (a) Who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the department within 30 days of the date of conviction.
- (b) Who is convicted of violating any state law or local ordinances relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify his employer in writing of the conviction within 30 days of the date of conviction.

Amend RSA 263:86, II as inserted by section 17 of the bill by replacing it with the following:

II. A commercial driver license may be issued only to a person who drives or will drive commercial motor vehicles and who is domiciled in this state; provided that a non-resident CDL may be issued pursuant to RSA 263:89.

Amend RSA 263:87, II(c) as inserted by section 17 of the bill by replacing it with the following:

(c) The applicant holds a commercial light, commercial heavy or tractor-trailer or commercial driver license at the time he applies for the commercial driver license, and is regularly employed as a commercial motor vehicle driver; and

Amend RSA 263:89 as inserted by section 17 of the bill by replacing it with the following:

263:89 Commercial Driver Learner Permit.

I. The department may issue a commercial driver learner permit to an individual who holds a valid driver's license and is at least 18 years of age.

II. The commercial driver learner permit may not be issued for a period to exceed 90 days. Only one renewal or re-issuance shall be granted within a 2-year period. The holder of a commercial driver learner permit may drive a commercial motor vehicle on a highway only when accompanied by a person who holds a commercial driver license valid for the type of vehicle driven who occupies a seat immediately adjacent to the individual for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver learner permit shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or cancelled in any state.

Amend RSA 263:91, I as inserted by section 17 of the bill by replacing it with the following:

I. The application for a commercial driver license or commercial driver learner permit shall include the following:

(a) The full name and current mailing and residential address of the license applicant;

(b) A physical description of the applicant, including sex, height, weight, eye and hair color;

(c) Date of birth;

(d) Applicant's social security number, unless the application is made by the resident of a foreign jurisdiction for a commercial driver license;

(e) Applicant's signature;

(f) Certifications of driver qualification;

(g) Any other information required by the department.

Amend RSA 263:92, I(a) as inserted by section 17 of the bill by replacing it with the following:

(a) The full legal name and current residential address of the licensee. A post office box number shall not constitute a current residential address;

Amend RSA 263:92, I(e) as inserted by section 17 of the bill by replacing it with the following:

(e) Social security number, if requested by the applicant;

Amend RSA 263:93 and 263:94 as inserted by section 17 of the bill by replacing them with the following:

263:93 Classifications, Endorsements and Restrictions. Notwithstanding any other provisions of this title, the commissioner may adopt rules under RSA 541-A to establish a commercial driver license classification system, including such endorsements and restrictions as are necessary, that incorporates the requirements of the federal government and of state law.

263:94 License Expiration and Renewal. The commercial driver license shall expire on the licensee's birthdate in the fourth year following the issuance of such license. When applying for renewal of a commercial driver license, the applicant

shall complete the application form as specified in RSA 263:90 and shall provide updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement shall be taken and passed.

Amend RSA 263:95, I(d) as inserted by section 17 of the bill by replacing it with the following:

(d) The commissioner shall suspend for life the commercial driver license of a person who is found to have knowingly used a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to distribute.

Amend RSA 263:97, IV and V as inserted by section 17 of the bill by replacing them with the following:

IV. If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to RSA 263:96, I and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more.

V. Upon receipt of the sworn report of a law enforcement officer submitted under paragraph IV, the department shall disqualify the driver from driving a commercial motor vehicle under RSA 263:94.

Amend RSA 263:98, II as inserted by section 17 of the bill by replacing it with the following:

II. The department shall furnish such information regarding the driving record of any person holding a commercial driver license as shall be mandated by federal law or regulation to:

(a) The driver license administrator of any other state, or province or territory of Canada, requesting that information.

(b) The police department of any other state conducting an official investigation.

(c) The commercial driver license information system.

(d) Any person upon request and payment of a fee of \$5; provided, however, that the driving record information furnished under this subparagraph shall not include the social security number of any person.

Amend RSA 263:99, II as inserted by section 17 of the bill by replacing it with the following:

II. Information required by RSA 263:97, I.

Amend RSA 263:99, VIII as inserted by section 17 of the bill by replacing it with the following:

VIII. The length of a disqualification period after which a person shall be treated as an original commercial driver license applicant for examination purposes.

Amend RSA 263:99, X as inserted by section 17 of the bill by replacing it with the following:

X. Commercial driver license classifications, endorsements and restrictions in compliance with this subdivision and federal requirements.

Amend RSA 263:88 as inserted by section 17 of the bill by deleting it and renumbering RSA 263:89-101 to read as RSA 263:88, 263:89, 263:90, 263:91, 263:92, 263:93, 263:94, 263:95, 263:96, 263:97, 263:98, 263:99, and 263:100, respectively.

Amend the bill by replacing section 25 with the following:

25 Additional Fee. Amend RSA 263:42 by inserting after paragraph I the following new paragraph:

I-a. For each commercial driver learner permit issued under RSA 263:88, \$20.

Amend the bill by replacing section 27 with the following:

27 Transitional Provisions.

I. The commissioner of safety is authorized to transfer appropriations, personnel, and equipment between program appropriation units of the division of motor vehicles; the data processing section in the administration and support section as required for efficient and effective implementation of RSA 263:82 - 263:100, and if funds adequate for the implementation are not appropriated he may request from the legislative fiscal committee and the governor and council authority to transfer from the highway fund such amounts, not otherwise appropriated, as may be required to support the implementation of RSA 263:82 - 263:100.

II. For the purposes of adopting the initial rules required under RSA 263:98 as inserted by this act, the commissioner of safety may adopt these rules pursuant to RSA 541-A:3-k.

HB 257-FN, imposing a mandatory fine for exceeding OHRV decibel levels. Inexpedient to Legislate.

This bill would provide for a mandatory fine of not less than \$50 for a violation of any OHRV decibel level emission (RSA 215-A:18, IV) 80% of which would be remitted to the Fish and Game Department. Testimony convinced the Committee that enforcement of the decibel level would require expensive special equipment. To set up a dedicated fund for 80% of an infrequent or non-existent fine did not seem to be good legislation. Vote 15-0. Rep. Roger Stewart for Transportation.

HB 405-FN-A, relative to the driver training fund. Ought to Pass with Amendment.

This bill is directed toward increasing the money currently granted to schools providing driver training education to eligible students under terms of RSA 263:52. Currently, the schools are receiving only \$75 per student trained and the average cost is \$200 or greater. Other money belonging to this fund is now going to the general fund instead of the highway fund as specified by statute. Vote 18-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 263:52 as inserted by section 1 of the bill by replacing it with the following:

263:52 Driver Training Fund. The proceeds from original license fees as provided in RSA 263:42, number plates for citizens' band operators in accordance with RSA 261:79, and \$5 from every special fee for vanity number plates collected in accordance with RSA 261:89, plus such additional portion of the \$25 special fee for vanity number plates or the renewal of the use of such plates as is needed to fully fund the driver training program in accordance with this section for each fiscal year, after costs

of such plates or designation of effective periods thereof and issuance of the same have been deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary schools. After all costs of administration of the program each year of the biennium have been deducted, the balance of the moneys are continually appropriated to the driver training fund. Such balance shall be kept the driver training fund, from which shall be paid out on or before September 15 of each year to participating schools an amount equal to \$180, per pupil for those who have completed the driver education program. Any remaining moneys shall be deposited in the highway fund. The commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of secondary schools to receive moneys from the fund established by this section.

AMENDED ANALYSIS

This bill requires that \$180 be paid to participating schools for each student who has successfully completed the driver's education course.

The bill continually appropriates the moneys in the driver training fund to provide such funding and requires that any funds remaining in such fund, after the \$180 obligation has been met, shall be deposited in the highway fund.

Referred to Appropriations.

HB 470, relative to access of motor vehicle records. Inexpedient to Legislate.

This bill states that records kept by the Division of Motor Vehicles shall be distributed only for legitimate purposes and not for commercial uses. Testimony justified the fact that this information was necessary to law enforcement agencies throughout the country and for insurance companies to issue auto insurance policies and determine premiums. The Committee felt that this availability was not an infringement on one's private life, therefore passage was not recommended at this time. Vote 17-0. Rep. Richard L. Haynes for Transportation.

HB 520-FN, permitting nonprofit organizations to erect informational signs along highways. Re-refer to Committee.

The Committee requests having the opportunity to truly study where it would be possible to install informational signs without violating State or Federal law. Vote 9-4. Rep. James J. White for Transportation.

HB 665-FN, establishing an advisory board on boating. Re-refer to Committee.

This bill establishes a seven-person advisory board to advise the Commissioner of Safety on matters relating to boating in the state waters. The Committee realizes that boating issues are becoming one of the foremost issues facing the Department of Safety Services and that funding and personal use are key issues. The Committee realizes the merits of the bill, but believes this proposed program needs a considerable amount of thought and planning. Therefore it recommends re-referral. Vote 15-1. Rep. Richard L. Haynes for Transportation.

HB 668-FN, relative to personal watercraft hearings. Inexpedient to Legislate.

This bill would have required the Department of Safety, upon petition by any interested party, to conduct hearings as to the use of personal watercraft on any body of water, and possibly restrict the use of such craft. The Committee, after careful consideration, felt that there are several other bills that would deal with this situation more effectively. Vote 17-0. Rep. Richard L. Haynes for Transportation.

(Regular Calendar)

HB 179-FN, requiring additional reports to be filed with the insurance commissioner. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: Testimony from the sponsor as well as the Insurance Department agree the information concerning profitability is and has always been available in the Department of Insurance. The Department has staff to assist the lay person to obtain the appropriate information and the data, of course, is now being used by the technically-qualified public consumer. There is no compelling reason to cause the large increase in volume of material and staff necessary to implement this bill. Vote 13-1. Rep. Richard H. Krueger for the Majority of Commerce, Small Business and Consumer Affairs.

MINORITY: House Bill 179 provides for an understandable report of premiums collected, losses paid, profits made, surpluses gained, which are not presently available in any easy readable form. This can be provided to the public by the insurance companies at very little cost. It is surprising that the insurance industry objects to disclosure of information which can be understood by consumers and those legislators that attempt to independently analyze the industry reports. The reason for reporting in the first place is to ostensibly protect the consumer; making it comprehensible is not an irrational request. Rep. Deborah L. Arnesen for the Minority of Commerce, Small Business and Consumer Affairs.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Krueger spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 145

NAYS 180

YEAS 145**BELKNAP**

Ballou, Richard A.
Maviglio, Steven R.

Campbell, Richard H., Jr.
Rosen, Ralph J.

Golden, Paul A.

CARROLL

Dodge, Arthur G., Jr.

MacDonald, Kenneth J.

Wiggin, Allen R.

CHESHIRE

Blacketer, Paul G.

Cole, Kenneth A.

LaMar, David M.

Laurent, John J.

Matson, William R.

Metzger, Katherine H.

Pearson, Gertrude B.

Pratt, Irene A.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III
Woodburn, Jeffrey R.

Lemire, George

Mayhew, Josephine

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Driscoll, William J.
Rose, William B.

Arnesen, Deborah L.
Copenhaver, Marion L.
Guest, Robert H.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
Nordgren, Sharon L.

HILLSBOROUGH

Baldizar, Barbara J.
Biondi, Christine A.
Dwyer, Patricia R.
Ford, Nancy M.

Barry, Janet G.
Bourque, Ann J.
Emerton, Lawrence A., Sr.
Frank, Nancy G.

Barry, Vivian
Drabinowicz, A. Theresa
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.

Genest, Fernand A.
Hall, Betty B.
Jean, Romeo W.
Knight, Alice Tirrell
Lown, Elizabeth D.
Messier, Irene M.
Nardi, Theodora P.
Provost, Gilles R.
Smith, Leonard A.
Tyree, Paul M.

Green, Scott E.
Healy, Daniel J.
Jenkins, Mary
Kress, Gloria W.
Lozeau, Donnalee M.
Morrisette, Roland A.
Pignatelli, Debora B.
Reidy, Frank J.
Soucy, Lillian E.
Vanderlosk, Stanley R.

Gureckis, Adam C., Sr.
Jasper, Shawn N.
King, John A.
Lefebvre, Roland J.
McRae, Karen
Murphy, Robert E.
Prestipino, Bartolo V.
Searles, Stanley N., Sr.
Toomey, Daniel
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Dunn, Miriam D.
Holmes, Mary C.
Kidder, William F.
Soldati, Jennifer
Wallner, Mary Jane

Bardsley, Elizabeth S.
Braiterman, Thea G.
Fillion, Paul R.
Jacobson, Alf E.
Lewis, Mary Ann
Teague, Bert

Beaton, Nancy C.
Carter, Susan D.
Hall, Douglas E.
Johnson, C. William
Nichols, Avis B.
Trombly, Rick A.

ROCKINGHAM

Bell, Juanita L.
Fesh, Robert M.
Hynes, Carolyn E.
Mace, Ada L.
Pantelakos, Laura C.
Ritzo, Eugene
Sanderson, Patricia O.
Warburton, Calvin
Wells, Henry E.

Buco, Stephen W.
Forsythe, Douglas G.
Johnson, Robert A.
McCarthy, John J., Jr.
Parr, Ednaparl F.
Rosencrantz, James R.
Sytek, Donna P.
Weddle, Michael R.

Dube, LeRoy S.
Hoelzel, Kathleen M.
Kane, Cecelia D.
McGovern, Cynthia A.
Popov, Elizabeth M.
Roulston, Donald L.
Vaughn, Charles L.
Welch, David A.

STRAFFORD

Appleby, James E.
Callaghan, Robert J.
Flynn, Edward J.
Keans, Sandra B.
O'Brien, John
Spencer, Leo J.
Swope, Warren L.

Bernard, Mary E.
Dionne, Albert J.
Frechette, Roland A.
Lachance, Douglas A.
Pelley, Janet R.
Stewart, Glenn W.
Vincent, Francis C.

Brown, Julie M.
Flynn, Anita A.
Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Sullivan, Henry P.
Wheeler, Katherine Wells

Brodeur, Robert J.
Harland, Jane A.

Burling, Peter Hoe
Hinrichsen, Keith L.

Flint, Gordon B.
Stamatakis, Carol M.

NAYS 180

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Richardson, Lawrence
White, James J.

Hardy, Earle D.
Pearson, Ralph W.
Turner, Robert H.
Ziegra, Alice S.

Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.

Chandler, Gene G.
Powers, Gerard E., Jr.

Chase, Russell C.
Saunders, Howard N.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Morse, JoAnn T.
Young, David A.

Delano, Robert F.
Hill, Douglas E.
Perry, David M.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald P.

Burns, Harold W.
Kilbride, Dennis J.
Nelson, Harold D.

Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

GRAFTON

Bean, Pamela B.
Dow, David O.
Markley, J. Keith
Townsend, Howard C.

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Ward, Kathleen W.

Christy, C. Dana
Larson, Nils H., Jr.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Beaupre, Roland O.
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Donovan, Francis X.
Dyer, Merton S.
Fields, Dennis H.
Guilbert, Lionel
Hunter, Bruce F.
Kelley, Robert N.
Lachut, Ervin R.
McCann, Bonnie Lou
Moore, Elizabeth A.
Pepino, Leo P.
Rheault, Lillian I.
Sallada, Roland A.
Tarpley, Nancy L.
Wihby, Linda S.

Alukonis, David J.
Bicknell, Robert C.
Burkush, Peter A.
Daigle, Robert A.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dykstra, Leona
Goulet, Maurice E.
Hatch, William H.
Johnson, Lionel W.
Klose, John F.
Lawrence, Norman B.
McDowell, James E.
Ouellette, Robert O.
Perham, Lester R.
Riley, Frances L.
Steiner, Lee Anne S.
Turgeon, Roland M.
Wright, George W.

Amidon, Eleanor H.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Elliott, Larry G.
Grip, Robert H.
Hultgren, David D.
Keefe, Edmund M.
Kurk, Neal M.
Mason, Howard F.
McNerney, Daniel P.
Packard, Bonnie B.
Record, Alice B.
Rodgers, G. Philip
Stiles, Walter A.
Upton, Barbara A.
Young, Willard N.

MERRIMACK

Apple, Lowell D.
Fair, Patricia A.
Hayes, Robert C.
Pantzer, Eugene E.
Shaw, Randall F.
West, George M.

Barberia, Richard A.
Fraser, Leo W., Jr.
Hill, Michael
Pfaff, Terence R.
Smith, Gerald R.

Daneault, Gabriel
Gross, Caroline L.
Lockwood, Robert A.
Phelps, James D.
Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Caswell, Albert, Jr.
Flanders, John W., Sr.
Gage, Thomas U.
Hollingworth, Beverly A.
Klemm, Arthur P., Jr.

Boucher, William P.
Campbell, Eunice M.
Conroy, Janet M.
Ford, Bert H.
Greene, Elizabeth A.
King, Roger C.
MacDonald, Maurice B.

Brown, Jeffrey M.
Campbell, Marilyn R.
Cooke, Annette M.
Gage, Beverly A.
Haynes, Richard L.
Klemarczyk, Thaddeus E.
Magoon, Harold F.

Malcolm, Kenneth W.
Micklon, Stephanie K.
Raynowska, Bernard J.
Senter, Marilyn P.
Skinner, Patricia M.
Tufts, J. Arthur

McCain, William F.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Sherburne, John L.
Sochalski, Matthew M.
Wright, David B.

McKinney, Betsy
Parsons, Robert F.
Schmidtchen, Rowland
Simon, Peter M.
Splaine, John E., Sr.

STRAFFORD

Foss, Patricia H.
Marston, Robert E.
Parks, Joe B.
Wall, Janet G.

Kincaid, William K.
Martling, W. Kent
Torr, Ann M.
Young, John B.

Kinney, Paula J.
Musler, George T.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Peyron, Fredrik

Domini, Irene C.
Middleton, John A.
Rodeschin, Beverly T.

Krueger, Richard H.
Normandin, Kurt A.
Schotanus, Merle W.

and the motion lost.
Resolution adopted.

(Deputy Speaker Burns in the Chair)

HB 686, relative to cable television franchises. Re-refer to Committee.

This bill, which requires that a New Hampshire-based commercial TV station be included in any basic package mix, has merit, but needs further study. Vote 13-1. Rep. Eugene E. Pantzer for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 698, relative to insurance coverage for chiropractic. Inexpedient to Legislate.

The Committee, after three hours of testimony, voted 10 to 3 Inexpedient to Legislate. Commercial insurers already have an option for utilizing chiropractors. There is no way to control costs if coverage is provided for chiropractic treatment. Testimony showed that costs would increase; also a feeling against mandated services was evident. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

HB 726, relative to bylaws which regulate electioneering. Ought to Pass with Amendment.

House Bill 726 provides that in towns which adopt bylaws to regulate electioneering, failure to conform to those bylaws constitutes a violation. The amendment provides that the bylaws adopted may be posted 72 hours in advance of any town election at the town clerk's office. Vote 9-1. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Amendment

Amend the bill by replacing section 1 with the following:

1 Violation of Electioneering Bylaws. Amend RSA 31:41-c to read as follows:

31:41-c Electioneering. Towns shall have the power to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare and rights of voters at any election held for any purpose in such town. Such power shall not extend to the display of printed or written matter attached to any legally parked motor vehicle, nor shall such power extend to activities conducted

wholly on private property so as not to interfere with people approaching or entering a polling place. *Failure to conform to bylaws adopted under this section shall constitute a violation. Bylaws adopted under this section may be posted 72 hours in advance of any town election, at the town clerk's office.*

Amendment adopted.

Ordered to third reading.

HB 506, relative to holding organization meetings for cooperative school districts. Inexpedient to Legislate.

The Committee proposes to study this concern about organization meetings under its study of HB 583 which has been re-referred. Consequently, the purpose of this bill is moot as currently presented. Vote 16-4. Rep. Nils H. Larson, Jr. for Education.

Resolution adopted.

HB 565, relative to the state board of education. Ought to Pass.

This bill requires five of the seven members of the State Board of Education be appointed one each from the five Executive Council Districts. The remaining two members will be appointed from the public at large. This bill insures regional representation on the State Board of Education. Vote 11-3. Rep. Douglas A. Lachance for Education.

Ordered to third reading.

HB 583-FN, relative to the vote required to form or to make an annexation to a cooperative school district. Re-Refer to Committee.

The issue raised in this bill (changing the vote necessary from a simple majority to a two-thirds vote) with respect to forming a cooperative school district, annexing a school district to an existing cooperative school district, or forming/enlarging an authorized regional enrollment area, is an issue the Committee feels will require further study. Vote 18-1. Rep. Jacquelyn Domaingue for Education.

Report adopted.

HB 683-FN, creating a study committee to examine financing of kindergarten costs. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee could not come to complete agreement on either of the two proposed amendments concerning the state mandating kindergarten within the structure of the study committee; therefore, the majority of the Committee feels it is inappropriate to pass this because the wording of the bill directs the study committee created to mandate statewide kindergarten and to find a funding source for that mandate. Vote 9-8. Rep. Jacquelyn Domaingue for the Majority of Education.

MINORITY: The minority of the Committee believes that a kindergarten program would greatly benefit the youth of our state and help in the state's continuing effort to fight the literacy and dropout problem. The minority also believes that the amendment, which removes the requirement for mandated kindergarten legislation in 1990, allows for an in-depth study of alternative funding mechanisms for the kindergarten program. It believes that if a study committee can find alternative funding for this kind of program, then its findings ought to be seriously considered by the Legislature. Reps. Linda D. Long, Nancy C. Beaton, Leo J. Spencer, Robert H. Guest, Albert Caswell, Jr. and Douglas A. Lachance for the Minority of Education.

Rep. Lachance moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, spoke to his motion, and yielded to questions.

(Speaker in the Chair)

Reps. Domaingue, Bolduc and Skinner spoke against the motion and yielded to questions.

Reps. Beaton and Hawkins spoke in favor of the motion, and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 108

NAYS 225

YEAS 108

BELKNAP

Ballou, Richard A.
Rice, Thomas E. P., Jr.

Hawkins, Robert S.
Richardson, Lawrence

Maviglio, Steven R.
White, James J.

CHESHIRE

Barber, Robert E., Jr.
LaMar, David M.
Perry, David M.

Blacketor, Paul G.
Matson, William R.
Pratt, Irene A.

Crutchley, Donald O.
Miller, Jeffrey C.
Spear, Susan S.

COOS

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Mayhew, Josephine

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Scanlan, David M.

Chambers, Mary P.
Guest, Robert H.

Copenhaver, Marion L.
Nordgren, Sharon L.

HILLSBOROUGH

Baldizar, Barbara J.
Donovan, Francis X.
Dwyer, Patricia R.
Fields, Dennis H.
Green, Scott E.
Jean, Romeo W.
Kelley, Robert N.
Lefebvre, Roland J.
Moore, Elizabeth A.
Pignatelli, Debora B.
Toomey, Daniel

Biondi, Christine A.
Drabinowicz, A. Theresa
Dykstra, Leona
Ford, Nancy M.
Gureckis, Adam C., Sr.
Jenkins, Mary
King, John A.
McDowell, James E.
Murphy, Robert E.
Reidy, Frank J.
Upton, Barbara A.

Bourque, Ann J.
Dube, Ellen C.
Elliott, Larry G.
Goulet, Maurice E.
Hall, Betty B.
Johnson, Lionel W.
Klose, John F.
Messier, Irene M.
Nardi, Theodora P.
Soucy, Lillian E.
Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
Braiterman, Thea G.
Fair, Patricia A.
Jacobson, Alf E.
Teague, Bert
Whittemore, James A.

Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Pantzer, Eugene E.
Trombly, Rick A.

Beaton, Nancy C.
Dunn, Miriam D.
Hall, Douglas E.
Soldati, Jennifer
Wallner, Mary Jane

ROCKINGHAM

Caswell, Albert, Jr.
McGovern, Cynthia A.
Ritzo, Eugene
Vaughn, Charles L.

Hollingworth, Beverly A.
Pantelakos, Laura C.
Rosencrantz, James R.
Weddle, Michael R.

McCain, William F.
Popov, Elizabeth M.
Sanderson, Patricia O.
Wright, David B.

STRAFFORD

Brown, Julie M.
 Gilmore, Gary R.
 O'Brien, John
 Scharff, Thomas E.
 Wall, Janet G.

Burton, Wayne M.
 Lachance, Douglas A.
 Parks, Joe B.
 Spencer, Leo J.
 Wheeler, Katherine Wells

Callaghan, Robert J.
 Merrill, Amanda A.
 Pelley, Janet R.
 Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe
 MacAskill, Kenneth M.
 Stamatakis, Carol M.

Harland, Jane A.
 Normandin, Kurt A.

Hinrichsen, Keith L.
 Schotanus, Merle W.

NAYS 225**BELKNAP**

Bolduc, Dennis R.
 Hardy, Earle D.
 Rosen, Ralph J.
 Ziegra, Alice S.

Campbell, Richard H., Jr.
 Holbrook, Robert G.
 Turner, Robert H.

Golden, Paul A.
 Pearson, Ralph W.
 Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Daly, Robert J., Jr.
 Powers, Gerard E., Jr.

Chandler, Gene G.
 Dickinson, Howard C., Jr.
 Saunders, Howard N.

Chase, Russell C.
 MacDonald, Kenneth J.
 Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
 Grodin, Richard A.
 Laurent, John J.
 Pearson, Gertrude B.

Delano, Robert F.
 Hill, Douglas E.
 Metzger, Katherine H.
 Sawyer, Alfred P.

Gordon, Irvin H.
 Hunt, John B.
 Morse, JoAnn T.
 Young, David A.

COOS

Brungot, Catherine V.
 Guay, Lawrence J.
 Marsh, Beaton
 Theriault, Romeo J.

Buckley, C. Fitzgerald, III
 Horton, Lynn C.
 Merrill, Gerald P.

Burns, Harold W.
 Lemire, George
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Brown, Channing T.
 Driscoll, William J.
 Larson, Nils H., Jr.
 Townsend, Howard C.
 Weymouth, Philip H.

Bean, Pamela B.
 Christy, C. Dana
 Hill, Richard L.
 Markley, J. Keith
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Bennett, Shirley M.
 Dow, David O.
 LaMott, Paul I.
 Rose, William B.
 Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet G.
 Bicknell, Robert C.
 Brady, Carolyn L.
 Cox, Gladys M.
 Desrosiers, William J.
 Dyer, Merton S.
 Frank, Nancy G.
 Grip, Robert H.
 Holden, Carol H.
 Jasper, Shawn N.

Alukonis, David J.
 Barry, Vivian
 Boucher, Lionel R.
 Burkush, Peter A.
 Daigle, Robert A.
 Dodge, Emma M.
 Emerton, Lawrence A., Sr.
 Gagnon, Gabrielle V.
 Guilbert, Lionel
 Hultgren, David D.
 Keefe, Edmund M.

Amidon, Eleanor H.
 Beaupre, Roland O.
 Bowers, Dorothy C.
 Cowenhoven, Garret P.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn M.
 Foote, Herbert N., Sr.
 Genest, Fernand A.
 Hatch, William H.
 Hunter, Bruce F.
 Knight, Alice Tirrell

Kress, Gloria W.
Lawrence, Norman B.
Mason, Howard F.
McRae, Karen
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Wheeler, David K.
Young, Willard N.

Kurk, Neal M.
Lown, Elizabeth D.
McCann, Bonnie Lou
Morrissette, Roland A.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Turgeon, Roland M.
Wihby, Linda S.

Lachut, Ervin R.
Lozeau, Donnalee M.
McNerney, Daniel P.
Ouellette, Robert O.
Perham, Lester R.
Record, Alice B.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Daneault, Gabriel
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Pfaff, Terence R.
Smith, Gerald R.

Apple, Lowell D.
Fraser, Leo W., Jr.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Phelps, James D.
Stio, Peter M.

Boucher, Laurent J.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.
West, George M.

ROCKINGHAM

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Eunice M.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Haynes, Richard L.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Parr, Ednapearl F.
Remick, Barbara R.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parsons, Robert F.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie

Boucher, William P.
Buco, Stephen W.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna P.
Warburton, Calvin

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Swope, Warren L.
Vincent, Francis C.

Bernard, Mary E.
Flynn, Edward J.
Kincaid, William K.
Musler, George T.
Torr, Ann M.
Young, John B.

Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
Stewart, Glenn W.
Tsiros, William

SULLIVAN

Behrens, Thomas A.

Brodeur, Robert J.

Domini, Irene C.

Flint, Gordon B.

Krueger, Richard H.

Middleton, John A.

Peyron, Fredrik

Rodeschin, Beverly T.

and the motion lost.

Question now being the adoption of the Majority Report, Inexpedient to Legislate.

Resolution adopted.

Reps. Pappas and Robinson notified the Clerk that they wished to be recorded in favor of the motion.

HB 720-FN, relative to school district special meetings. Inexpedient to Legislate.

The majority of the House Education Committee felt that the bill was unnecessary at this time. Present law addresses this issue. Vote 18-1. Rep. Linda D. Long for Education.

Resolution adopted.

HB 735-FN, establishing a study committee to examine school administration and certain school curricula. Inexpedient to Legislate.

The bill calls for a study of administrative units, changing the membership of the State Board of Education, and a redistribution of state funds to the school districts. Testimony indicated that the sponsor wanted to apply 1935 education policies to 1989 education problems. Study has or is taking place on many concerns listed in this measure. Vote 17-2. Rep. Robert M. Gilbreth for Education.

Resolution adopted.

RECONSIDERATION

Having voted with the prevailing side, Rep. Palumbo moved that the House reconsider its action whereby it killed **HB 735-FN**, establishing a study committee to examine school administration and certain school curricula.

Motion adopted.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Bolduc spoke against the motion.

Motion lost.

Resolution adopted.

HB 495, regarding election of regional refuse disposal district committee members. Inexpedient to Legislate.

The Committee is considering other legislation that covers this topic. Vote 19-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

RECESS

HB 734-FN, creating a solid waste landfill reduction and cleanup program. Refer to Committee.

The Committee feels strongly that parts of this bill must be enacted into law. However, there is not enough time between now and March 23 to bring the bill to a presentable level. The Committee is anxious to work on this bill before the next session. Vote 16-0. Rep. George T. Musler for Environment and Agriculture.

Report adopted.

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs. Majority: Re-Refer to Committee. Minority: Ought to Pass.

MAJORITY: This bill is similar to Article 28 (mandated programs) of the New Hampshire Constitution. Article 28 was designed to prevent the state from mandating or assigning any new, expanded or modified programs or responsibilities to any political subdivision unless they were funded by the state. The wording in HB 381 differs slightly from Article 28. The Committee majority voted to Re-refer the bill in order to ensure that it is not in violation of the New Hampshire Constitution. The Committee majority recognizes the importance of Article 28 to the political subdivisions and will amend if necessary HB 382 to insure that the intent of Article 28 is followed by all state departments and agencies. Vote 11-4. Rep. Randall F. Shaw for the Majority of Executive Departments and Administration.

MINORITY: The minority of the Executive Departments and Administration Committee feels this bill should be passed, not re-referred. It is time state agencies stop deliberately by-passing Article 28-A Part One of the State Constitution by mandating costly programs and standards through their rulemaking authority. This method of operation is costing the cities and towns of the state tax dollars their citizens can ill afford. Unless this bill passes it could cost the cities and towns millions of dollars to meet the new mandates of the Board of Education in 1989-90 alone. Reps. Beverly A. Gage, Bartolo V. Prestipino, Barbara A. Upton and Lawrence Richardson for the Minority of Executive Departments and Administration.

Rep. Maurice MacDonald yielded to questions.

Rep. David Young spoke to the Committee Report.

Rep. Marilyn Campbell spoke in favor of the Committee Report.

Report adopted.

HB 654-FN, authorizing of the New Hampshire Federation of Teachers participation in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill adds the New Hampshire Federation of Teachers to the list of non-government agencies authorized to participate in the New Hampshire Retirement System. The amendment also adds the Spaulding Youth Center and the Carroll County Retired Senior Volunteer Program. This is in accordance with long-standing precedent as all the agencies added are comparable or analogous to other agencies already included. All costs are borne by the participating agencies. There is no cost to the state, no fiscal impact. Vote 11-3. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing certain organizations to participate
in the New Hampshire retirement system.

Amend the bill by replacing section 1 with the following:

1 New Subparagraphs; Participation in the New Hampshire Retirement System.
Amend RSA 100-A:29, II by inserting after subparagraph (j) the following new subparagraphs:

(k) The New Hampshire Federation of Teachers, but only with respect to the Federation's officers and the presidents of the local unions affiliated with the Federation.

(l) The Carroll County Retired Senior Volunteer Program.

(m) The Spaulding Youth Center.

(n) The Spaulding Youth Center Foundation.

AMENDED ANALYSIS

This bill authorizes the officers of the New Hampshire Federation of Teachers and the presidents of the local unions affiliated with the Federation to participate as group I members in the New Hampshire retirement system.

The bill also authorizes the Carroll County Retired Senior Volunteer Program, the Spaulding Youth Center, and the Spaulding Youth Center Foundation, to participate in group I of the New Hampshire retirement system.

Amendment adopted.

Referred to Appropriations.

HB 707-FN, relative to safety restraint systems in passenger cars. Ought to Pass.

During a time when our state is experiencing financial difficulty, it makes sense to pass a law that would result in a savings of 10 million dollars and 100 lives. Astronomical medical costs make seat belt use no longer a luxury, but a necessity. Failure to use seat belts has an effect on everyone's wallet, and the Committee finds that a mandatory seat belt bill is essential in order to ease the state's enormous health care costs. Vote 13-3. Rep. Toni Pappas for Health, Human Services and Elderly Affairs.

Rep. Wells moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Reps. Arnesen, Katherine Foster and Sochalski spoke against the motion and yielded to questions.

Reps. Scott Green and Felch spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 233

NAYS 109

YEAS 233

BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Richardson, Lawrence
White, James J.

Golden, Paul A.
Maviglio, Steven R.
Turner, Robert H.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
Miller, Jeffrey C.
Young, David A.

Cole, Stacey W.
Grodin, Richard A.
Morse, JoAnn T.

Delano, Robert F.
Hill, Douglas E.
Spear, Susan S.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Nelson, Harold D.

Burns, Harold W.
Lemire, George
Theriault, Romeo J.

Horton, Lynn C.
Merrill, Gerald P.
Woodburn, Jeffrey R.

GRAFTON

Bean, Pamela B.
Dow, David O.
Larson, Nils H., Jr.
Teschner, Douglass P.
Weymouth, Philip H.

Bennett, Shirley M.
Driscoll, William J.
Markley, J. Keith
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Christy, C. Dana
LaMott, Paul I.
Scanlan, David M.
Ward, Kathleen W.

HILLSBOROUGH

Alukonis, David J.
Barry, Vivian
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Donovan, Francis X.
Dwyer, Patricia R.
Elliott, Larry G.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Guilbert, Lionel
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Lachut, Ervin R.
Lown, Elizabeth D.
McCann, Bonnie Lou
Moore, Elizabeth A.
Nardi, Theodora P.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wheeler, David K.
Young, Willard N.

Baldizar, Barbara J.
Bicknell, Robert C.
Bowers, Dorothy C.
Daigle, Robert A.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dyer, Merton S.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Green, Scott E.
Hatch, William H.
Hunter, Bruce F.
Jenkins, Mary
Klose, John F.
Lawrence, Norman B.
Lozeau, Donnalee M.
McNerney, Daniel P.
Morrissette, Roland A.
Ouellette, Robert O.
Prestipino, Bartolo V.
Rheault, Lillian I.
Rodgers, G. Philip
Soucy, Lillian E.
Tarpley, Nancy L.
Upton, Barbara A.
Wihby, Linda S.

Barry, Janet G.
Boucher, Lionel R.
Brady, Carolyn L.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Dykstra, Leona
Fields, Dennis H.
Genest, Fernand A.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.
Johnson, Lionel W.
Kress, Gloria W.
Lefebvre, Roland J.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Sallada, Roland A.
Steiner, Lee Anne S.
Turgeon, Roland M.
Vanderlosk, Stanley R.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Gross, Caroline L.
Lockwood, Robert A.
Phelps, James D.
Soldati, Jennifer
Tolpin, Richard W.

Barberia, Richard A.
Daneault, Gabriel
Hayes, Robert C.
Nichols, Avis B.
Shaw, Randall F.
Stio, Peter M.
Trombly, Rick A.

Beaton, Nancy C.
Dunn, Miriam D.
Kidder, William F.
Pfaff, Terence R.
Smith, Gerald R.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.

Boucher, William P.
Buco, Stephen W.

Brown, Jeffrey M.
Campbell, Eunice M.

Campbell, Marilyn R.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Parr, Ednapearl F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Warburton, Calvin
 Wells, Henry E.

Appleby, James E.
 Dionne, Albert J.
 Foss, Patricia H.
 Musler, George T.
 Sullivan, Henry P.
 Young, John B.

Brodeur, Robert J.
 Krueger, Richard H.
 Normandin, Kurt A.
 Schotanus, Merle W.

Ballou, Richard A.
 Rice, Thomas E. P., Jr.

Dickinson, Howard C., Jr.

Barber, Robert E., Jr.
 Foster, Katherine D.
 Laurent, John J.
 Pearson, Gertrude B.
 Sawyer, Alfred P.

Buckley, C. Fitzgerald, III
 Oleson, Otto H.

Adams, Carl S.
 Chambers, Mary P.
 Eno, Larry E.
 Nordgren, Sharon L.

Caswell, Albert, Jr.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Parsons, Robert F.
 Rosencrantz, James R.
 Seward, Russell G.
 Sytek, Donna P.
 Weddle, Michael R.
 Wright, David B.

STRAFFORD

Brown, Julie M.
 Flynn, Anita A.
 Frechette, Roland A.
 Pelley, Janet R.
 Tsiros, William

SULLIVAN

Domini, Irene C.
 MacAskill, Kenneth M.
 Peyron, Fredrik
 Stamatakis, Carol M.

NAYS 109

BELKNAP

Hardy, Earle D.
 Rosen, Ralph J.

CARROLL

Dodge, Arthur G., Jr.

CHESHIRE

Cole, Kenneth A.
 Hunt, John B.
 Matson, William R.
 Perry, David M.

COOS

Marsh, Beaton

GRAFTON

Arnesen, Deborah L.
 Copenhaver, Marion L.
 Guest, Robert H.
 Rose, William B.

Cooke, Annette M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Pantelakos, Laura C.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Sherburne, John L.
 Vartanian, Elsie
 Welch, David A.

Callaghan, Robert J.
 Flynn, Edward J.
 Kinney, Paula J.
 Stewart, Glenn W.
 Vincent, Francis C.

Flint, Gordon B.
 Middleton, John A.
 Rodeschin, Beverly T.

Randall, Kenneth A.
 Ziegra, Alice S.

Crutchley, Donald O.
 LaMar, David M.
 Metzger, Katherine H.
 Pratt, Irene A.

Mayhew, Josephine

Brown, Channing T.
 Densmore, Edward D.
 Hill, Richard L.
 Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Cox, Gladys M.
Gureckis, Adam C., Sr.
Knight, Alice Tirrell
O'Rourke, JoAnne A.
Reidy, Frank J.
Toomey, Daniel

Amidon, Eleanor H.
Ford, Nancy M.
Keefe, Edmund M.
McDowell, James E.
Pappas, Toni
Schneiderat, Catherine A.

Biondi, Christine A.
Frank, Nancy G.
King, John A.
Messier, Irene M.
Pignatelli, Debora B.
Smith, Leonard A.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Fraser, Leo W., Jr.
Hill, Michael
Johnson, C. William
Wallner, Mary Jane

Bardsley, Elizabeth S.
Fair, Patricia A.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
West, George M.

Braiterman, Thea G.
Fillion, Paul R.
Hall, Douglas E.
Jacobson, Alf E.
Pantzer, Eugene E.
Whittemore, James A.

ROCKINGHAM

Bell, Juanita L.
Hollingworth, Beverly A.
Popov, Elizabeth M.
Senter, Marilyn P.
Tufts, J. Arthur

Conroy, Janet M.
Kane, Cecelia D.
Ritzo, Eugene
Sochalski, Matthew M.
Vaughn, Charles L.

Greene, Elizabeth A.
McGovern, Cynthia A.
Sanderson, Patricia O.
Splaine, John E., Sr.

STRAFFORD

Bernard, Mary E.
Keans, Sandra B.
Martling, W. Kent
O'Brien, John
Spencer, Leo J.
Wall, Janet G.

Burton, Wayne M.
Kincaid, William K.
McCann, William H., Jr.
Parks, Joe B.
Swope, Warren L.
Wheeler, Katherine Wells

Gilmore, Gary R.
Marston, Robert E.
Merrill, Amanda A.
Scharff, Thomas E.
Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.

Burling, Peter Hoe

Harland, Jane A.

and the motion was adopted.

Resolution adopted.

HB 275-FN, relative to civil immunity from liability for volunteers and establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers. Inexpedient to Legislate.

Legislation designed to address this problem was passed last session. The Committee feels it should be allowed to work. Volunteers could self-insure as other groups have done. Vote 14-1. Rep. Elizabeth D. Lown for Judiciary.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Thomas Gage spoke against the motion.

Motion lost.

Resolution adopted.

HB 596-FN, limiting personal liability of fire department and emergency rescue services personnel. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee feels that this bill provides important protection for a group of persons, fire personnel and rescue workers who deserve immunity from civil suit. The bill clearly applies to people who serve the community, and does not extend to situations where gross negligence or intoxication have been involved in causing damage or harm to victims. Vote 11-7. Rep. Peter Hoe Burling for the Majority of Judiciary.

MINORITY: The minority feels that this bill will protect certain paid employees of fire departments or commercial ambulance services, while preserving the liability of their employers or the municipalities for whom these employees provide services. But the minority is concerned that the bill, even as amended, would cut off the liability of private commercial employers providing such services or the municipalities to whom the services are provided, and, more importantly, alter the present policy of the state by providing civil immunity to paid employees as opposed to volunteers. Rep. Beverly A. Hollingworth, Patricia R. Dwyer and Donnalee M. Lozeau for the Minority of Judiciary.

Rep. Hollingworth moved that the words Re-refer to Committee, be substituted for the Majority report, Ought to Pass with Amendment, and spoke to her motion.

Rep. Burling spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 192

NAYS 134

YEAS 192

BELKNAP

Ballou, Richard A.
Maviglio, Steven R.
Turner, Robert H.

Campbell, Richard H., Jr.
Richardson, Lawrence
Ziegra, Alice S.

Hawkins, Robert S.
Rosen, Ralph J.

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

Cole, Stacey W.
Hill, Douglas E.
Laurent, John J.
Morse, JoAnn T.
Spear, Susan S.

Delano, Robert F.
Hunt, John B.
Metzger, Katherine H.
Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Lemire, George
Therault, Romeo J.

Buckley, C. Fitzgerald, III
Merrill, Gerald P.
Woodburn, Jeffrey R.

Kilbride, Dennis J.
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Christy, C. Dana
Hill, Richard L.
Nordgren, Sharon L.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.

Chambers, Mary P.
Eno, Larry E.
Markley, J. Keith
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Biondi, Christine A.
Burkush, Peter A.
Domaingue, Jacquelyn M.
Dube, Ellen C.

Alukonis, David J.
Barry, Vivian
Boucher, Lionel R.
Desrochers, Gerard T.
Donovan, Francis X.
Dwyer, Patricia R.

Baldizar, Barbara J.
Bicknell, Robert C.
Bourque, Ann J.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dyer, Merton S.

Dykstra, Leona
Foote, Herbert N., Sr.
Green, Scott E.
Holden, Carol H.
Jenkins, Mary
Kress, Gloria W.
Lozeau, Donnalee M.
McRae, Karen
Morrisette, Roland A.
Perham, Lester R.
Provost, Gilles R.
Robinson, Ellen-Ann
Soucy, Lillian E.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Anderson, Eleanor M.
Braiterman, Thea G.
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Smith, Gerald R.
Trombly, Rick A.

Bell, Juanita L.
Campbell, Eunice M.
Dube, LeRoy S.
Greene, Elizabeth A.
Johnson, Robert A.
McGovern, Cynthia A.
Raynowska, Bernard J.
Rosencrantz, James R.
Schmidtchen, Rowland
Sherburne, John L.
Tufts, J. Arthur
Wells, Henry E.

Appleby, James E.
Callaghan, Robert J.
Foss, Patricia H.
Kincaid, William K.
McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.
Wall, Janet G.

Behrens, Thomas A.
MacAskill, Kenneth M.
Schotanus, Merle W.

Elliott, Larry G.
Frank, Nancy G.
Guilbert, Lionel
Hunter, Bruce F.
Johnson, Lionel W.
Lachut, Ervin R.
McDowell, James E.
Messier, Irene M.
Nardi, Theodora P.
Pignatelli, Debora B.
Rheault, Lillian I.
Rodgers, G. Philip
Steiner, Lee Anne S.
Turgeon, Roland M.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Carter, Susan D.
Fillion, Paul R.
Hall, Douglas E.
Jacobson, Alf E.
Soldati, Jennifer
Wallner, Mary Jane

ROCKINGHAM

Brown, Lewis W.
Conroy, Janet M.
Fesh, Robert M.
Hoelzel, Kathleen M.
Mace, Ada L.
Pantelakos, Laura C.
Remick, Barbara R.
Roulston, Donald L.
Senter, Marilyn P.
Skinner, Patricia M.
Vaughn, Charles L.

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Merrill, Amanda A.
Scharff, Thomas E.
Tsiros, William
Wheeler, Katherine Wells

SULLIVAN

Domini, Irene C.
Middleton, John A.
Stamatakis, Carol M.

Fields, Dennis H.
Genest, Fernand A.
Gureckis, Adam C., Sr.
Jean, Romeo W.
King, John A.
Lefebvre, Roland J.
McNerney, Daniel P.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Prestipino, Bartolo V.
Riley, Frances L.
Smith, Leonard A.
Stiles, Walter A.
Tyree, Paul M.
Young, Willard N.

Beaton, Nancy C.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hayes, Robert C.
Lewis, Mary Ann
Tolpin, Richard W.

Buco, Stephen W.
Cooke, Annette M.
Gage, Beverly A.
Hollingworth, Beverly A.
Malcolm, Kenneth W.
Parr, Edna Pearl F.
Ritzo, Eugene
Sanderson, Patricia O.
Seward, Russell G.
Sochalski, Matthew M.
Weddle, Michael R.

Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra B.
Marston, Robert E.
Parks, Joe B.
Spencer, Leo J.
Vincent, Francis C.
Young, John B.

Krueger, Richard H.
Rodeschin, Beverly T.

NAYS 134 BELKNAP

Golden, Paul A.
Pearson, Ralph W.
Vogler, Charles C.

Hardy, Earle D.
Randall, Kenneth A.
White, James J.

Holbrook, Robert G.
Rice, Thomas E. P., Jr.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.

Chase, Russell C.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Cole, Kenneth A.
Grodin, Richard A.
Young, David A.

Crutchley, Donald O.
Perry, David M.

Foster, Katherine D.
Sawyer, Alfred P.

COOS

Burns, Harold W.

Horton, Lynn C.

Mayhew, Josephine

GRAFTON

Adams, Carl S.
Guest, Robert H.
Teschner, Douglass P.
Weymouth, Philip H.

Bean, Pamela B.
Larson, Nils H., Jr.
Townsend, Howard C.

Brown, Channing T.
Rose, William B.
Wadsworth, Karen O.

HILLSBOROUGH

Amidon, Eleanor H.
Cowenhoven, Garret P.
Desrosiers, William J.
Gagnon, Gabrielle V.
Hatch, William H.
Keefe, Edmund M.
Lawrence, Norman B.
McCann, Bonnie Lou
Record, Alice B.
Searles, Stanley N., Sr.
Wheeler, David K.

Bowers, Dorothy C.
Cox, Gladys M.
Emerton, Lawrence A., Sr.
Goulet, Maurice E.
Hultgren, David D.
Kelley, Robert N.
Lown, Elizabeth D.
Murphy, Robert E.
Reidy, Frank J.
Toomey, Daniel
Wihby, Linda S.

Brady, Carolyn L.
Daigle, Robert A.
Ford, Nancy M.
Grip, Robert H.
Jasper, Shawn N.
Knight, Alice Tirrell
Mason, Howard F.
Ouellette, Robert O.
Schneiderat, Catherine A.
Upton, Barbara A.

MERRIMACK

Apple, Lowell D.
Daneault, Gabriel
Johnson, C. William
Nichols, Avis B.
Phelps, James D.
Teague, Bert

Bardsley, Elizabeth S.
Hager, Elizabeth
Kidder, William F.
Pantzer, Eugene E.
Shaw, Randall F.
West, George M.

Boucher, Laurent J.
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.
Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Flanagan, Natalie S.
Ford, Bert H.
Haynes, Richard L.
Kane, Cecelia D.
King, Roger C.
MacDonald, Maurice B.
Micklton, Stephanie K.

Boucher, William P.
Caswell, Albert, Jr.
Flanders, Harry E.
Forsythe, Douglas G.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Palumbo, Vincent J., Jr.

Brown, Jeffrey M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
McKinney, Betsy
Parsons, Robert F.

Popov, Elizabeth M.
Vartanian, Elsie
Wright, David B.

Splaine, John E., Sr.
Warburton, Calvin

Sytek, Donna P.
Welch, David A.

STRAFFORD

Brown, Julie M.
O'Brien, John
Torr, Ann M.

Dionne, Albert J.
Stewart, Glenn W.

Gilmore, Gary R.
Swope, Warren L.

SULLIVAN

Brodeur, Robert J.
Harland, Jane A.

Burling, Peter Hoe
Hinrichsen, Keith L.

Flint, Gordon B.
Normandin, Kurt A.

and the motion was adopted.

Re-referred to Committee.

HB 614-FN, relative to public welfare fraud. Re-Refer to Committee.

The Criminal Subcommittee has done extensive work on this bill and numerous changes have been made in the subject matter. The bill has merit, but substantial amendments have been made and it was felt that a new public hearing should be held. Because of time constraints placed by House rules there is not time for a second public hearing. Accordingly, this bill will be brought in the second-year session and given another public hearing. Vote 9-3. Rep. C. William Johnson for Judiciary.

Report adopted.

HB 684-FN, prohibiting obscene words and depictions on bumper stickers and T-shirts and prohibiting house parties where minors may consume alcoholic beverages and drugs. Inexpedient to Legislate.

The Committee agreed that the present definition of "material" covers bumper stickers and T-shirts. "Printed matter, visual representation ... or other representative or embodiment of the obscene" will take care of the problem. Vote 11-5. Rep. Elizabeth D. Lown for Judiciary.

Resolution adopted.

HB 700-FN, changing the penalty for felonious use of firearms. Re-Refer to Committee.

Because this bill raises further questions delineated by our Supreme Court in *Heald v. Perrin* (1983), there is a need for a more careful study even though there is general empathy for the intent of this legislation. Vote 8-7. Rep. Alf E. Jacobson for Judiciary.

Report adopted.

HB 737-FN, amending the joint state-capitol city planning commission. Ought to Pass with Amendment.

The bill amends the present statute on the Joint State-Capitol City Planning Commission. The amendment increases the membership and clarifies the authority of the Joint State-Capitol City Planning Board. The Board is renamed a "commission." Vote 9-3. Rep. Mary Ann Lewis for Legislative Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Joint Planning Commission. Amend 1965, 345:1 to read as follows:

345:1 Joint Planning Commission. There is hereby created a joint planning [board] *commission* known as the State-Capitol-[City] *Region* Planning [Board] *Commission*, to recommend to appropriate state and Concord agencies an orderly plan for the

development of the central government area and facilities in the city of Concord *and adjacent towns*. The [board] *commission*, in making the plan, shall take into consideration the importance of state government agencies to the people of the state as a whole, the problems of the city of Concord as a municipality, *the environmental, social, economic, and traffic impacts arising out of the construction of new state governmental facilities or the reuse of state governmental facilities*, the historic values of existing structures and facilities in Concord, and the utilization of land and the location of future structures in Concord *and adjacent towns*. [All the statutory powers conferred upon planning boards are vested in the joint planning board.] *The commission shall also examine and make recommendations concerning issues confronting the city of Concord as a capitol city and the adjacent towns as the capital region.*

Amend the bill by replacing section 2 with the following:

2 Membership. 1965, 345:2 is repealed and reenacted to read as follows:

345:2 Membership. The commission shall be composed of the following members:

I. Two Concord area residents, appointed by the governor with the consent of council.

II. The commissioner of administrative services, or his designee.

III. One member of the house of representatives, appointed by the speaker of the house of representatives.

IV. One member of the senate, appointed by the senate president.

V. The city manager of Concord, or designee.

VI. The mayor of Concord, or designee.

VII. The director of the office of state planning.

VIII. The director of the Central New Hampshire Regional Planning Commission.

IX. A member appointed by the Merrimack County Board of Commissioners.

X. The chairman of the Greater Concord Chamber of Commerce, or designee.

Amend the bill by replacing section 4 with the following:

4 Issues and Reports. Amend 1965, 345:4 to read as follows:

345:4 Report. *The commission shall examine and make recommendations concerning issues confronting the city of Concord and adjacent towns as a capitol city and region.* The [board] *commission* shall [make a] report on July 1 of each year to the governor [and to] *and council*, the mayor of Concord [for transmission to appropriate state and city agencies], *the senate president and the speaker of the house*. The reports may be made more frequently if desired by the [board] *commission*.

AMENDED ANALYSIS

This bill increases the membership and clarifies the authority of the joint state-capitol city planning board. The "board" is renamed a "commission" and is responsible for the state capitol region as well as the city of Concord.

Amendment adopted.

Ordered to third reading.

HB 644-FN, enabling cities and towns to adopt an optional veterans exemption. Ought to Pass.

This bill originally voted out as Inexpedient was recommitted at the request of the Committee Chairman because clarifying documentation had been received. Hence, HB 644 has now been voted Ought to Pass on a vote of 13-2. This bill enabled cities

and towns to adopt optional veterans' exemptions. It removes the 90-day requirement for service in a qualifying war or armed conflict and replaces it with award of a service medal or expeditionary forces medal. This bill is consistent with HB 389 which increased the veterans' exemption to \$100. Rep. Lillian E. Soucy for Municipal and County Government.

Ordered to third reading.

HB 174-FN, relative to fireworks. Ought to Pass with Amendment.

House Bill 174, as amended, imposes a prohibition on the possession and use of Class C fireworks: (a) there will be NO direct sales to residents or non-residents, without a valid permit, as was permitted in the 1988 legislation; (b) there will be NO wholesale sales to any person, firm, etc., who is not in the business of selling fireworks; (c) there will be NO sales within any municipality without a permit from local officials to do so. However, a local option has been incorporated to allow municipalities to vote to permit, or to prohibit, any or all activities relative to fireworks. A wholesale purchase to an out-of-state dealer must be transported by a licensed carrier, directly out of state, rather than loaded in personal cars, as in the past.

The New Hampshire Municipal Association, in its testimony on fireworks bills, indicated "NHMA supports legislation to clarify the authority of municipalities to regulate or to absolutely prohibit any type of sales, possession or use of fireworks within the municipality; and, to clarify the law to close apparent 'loopholes,' such as wholesale/retail sales, seller responsibility to verify purchaser permits and the 24-hour removal from state provision." House Bill 174, as amended, does just that. Vote 8-5. Rep. David A. Welch for Public Protection and Veterans Affairs.

Rep. Ballou moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Welch spoke against the motion and yielded to questions.

(Deputy Speaker Burns in the Chair)

Reps. Dyer, Hollingworth and Reidy spoke in favor of the motion and yielded to questions.

Rep. Edward Flynn, Jeffrey Brown and Benton spoke against the motion.

(Speaker in the Chair)

A roll call was requested. Sufficiently seconded.

YEAS 189

NAYS 145

YEAS 189

BELKNAP

Ballou, Richard A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Ziegra, Alice S.

Golden, Paul A.
Maviglio, Steven R.
Rosen, Ralph J.

Hawkins, Robert S.
Pearson, Ralph W.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.

Chase, Russell C.
MacDonald, Kenneth J.

Dodge, Arthur G., Jr.
Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Delano, Robert F.

Cole, Stacey W.
Foster, Katherine D.

Crutchley, Donald O.
Gordon, Irvin H.

LaMar, David M.
Morse, JoAnn T.
Sawyer, Alfred P.

Matson, William R.
Pearson, Gertrude B.
Spear, Susan S.

Metzger, Katherine H.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Merrill, Gerald P.

Buckley, C. Fitzgerald, III

Mayhew, Josephine

GRAFTON

Adams, Carl S.
Copenhaver, Marion L.
Rose, William B.
Weymouth, Philip H.

Arnesen, Deborah L.
LaMott, Paul I.
Townsend, Howard C.

Chambers, Mary P.
Nordgren, Sharon L.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Bourque, Ann J.
Desrochers, Gerard T.
Donovan, Francis X.
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Genest, Fernand A.
Guilbert, Lionel
Hultgren, David D.
Jenkins, Mary
King, John A.
McDowell, James E.
Morrisette, Roland A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Record, Alice B.
Robinson, Ellen-Ann
Smith, Leonard A.
Toomey, Daniel
Wihby, Linda S.

Amidon, Eleanor H.
Bicknell, Robert C.
Burkush, Peter A.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dyer, Merton S.
Fields, Dennis H.
Frank, Nancy G.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Jasper, Shawn N.
Johnson, Lionel W.
Lown, Elizabeth D.
Messier, Irene M.
Murphy, Robert E.
Pappas, Toni
Prestipino, Bartolo V.
Reidy, Frank J.
Rodgers, G. Philip
Soucy, Lillian E.
Tyree, Paul M.
Young, Willard N.

Baldizar, Barbara J.
Biondi, Christine A.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Dykstra, Leona
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Grip, Robert H.
Healy, Daniel J.
Jean, Romeo W.
Kelley, Robert N.
Lozeau, Donnalee M.
Moore, Elizabeth A.
Nardi, Theodora P.
Pepino, Leo P.
Provost, Gilles R.
Rheault, Lillian I.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Braiterman, Thea G.
Fair, Patricia A.
Hill, Michael
Smith, Gerald R.
Wallner, Mary Jane

Apple, Lowell D.
Carter, Susan D.
Fillion, Paul R.
Pantzer, Eugene E.
Soldati, Jennifer
West, George M.

Bardsley, Elizabeth S.
Dunn, Miriam D.
Hall, Douglas E.
Pfaff, Terence R.
Teague, Bert
Whittemore, James A.

ROCKINGHAM

Bell, Juanita L.
Campbell, Eunice M.
Cooke, Annette M.
Gage, Beverly A.
Hoar, John, Jr.
Katsakiores, Phyllis M.
Mace, Ada L.

Brown, Lewis W.
Campbell, Marilyn R.
Dube, LeRoy S.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Klemarczyk, Thaddeus E.
Malcolm, Kenneth W.

Buco, Stephen W.
Conroy, Janet M.
Ford, Bert H.
Haynes, Richard L.
Kane, Cecelia D.
Klemm, Arthur P., Jr.
McCain, William F.

McCarthy, John J., Jr.
Micklon, Stephanie K.
Parsons, Robert F.
Remick, Barbara R.
Sanderson, Patricia O.
Skinner, Patricia M.
Tufts, J. Arthur

McGovern, Cynthia A.
Pantelakos, Laura C.
Popov, Elizabeth M.
Ritzo, Eugene
Senter, Merilyn P.
Sochalski, Matthew M.
Weddle, Michael R.

McKinney, Betsy
Parr, Ednapearl F.
Raynowska, Bernard J.
Rosencrantz, James R.
Seward, Russell G.
Splaine, John E., Sr.

STRAFFORD

Bernard, Mary E.
Gilmore, Gary R.
Martling, W. Kent
Musler, George T.
Spencer, Leo J.
Wall, Janet G.

Burton, Wayne M.
Keans, Sandra B.
Merrill, Amanda A.
O'Brien, John
Stewart, Glenn W.
Wheeler, Katherine Wells

Callaghan, Robert J.
Marston, Robert E.
Meserve, John H.
Scharff, Thomas E.
Sullivan, Henry P.

SULLIVAN

Burling, Peter Hoe
Middleton, John A.

Flint, Gordon B.

Harland, Jane A.

NAYS 145

BELKNAP

Bolduc, Dennis R.
Randall, Kenneth A.
White, James J.

Campbell, Richard H., Jr.
Richardson, Lawrence

Hardy, Earle D.
Vogler, Charles C.

CARROLL

Chandler, Gene G.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

Dickinson, Howard C., Jr.

CHESHIRE

Blacketor, Paul G.
Hill, Douglas E.
Miller, Jeffrey C.

Cole, Kenneth A.
Hunt, John B.
Perry, David M.

Grodin, Richard A.
Laurent, John J.
Young, David A.

COOS

Burns, Harold W.
Lemire, George
Oleson, Otto H.

Horton, Lynn C.
Marsh, Beaton
Theriault, Romeo J.

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Bennett, Shirley M.
Densmore, Edward D.
Eno, Larry E.
Markley, J. Keith
Whitcomb, Henry F., Jr.

Brown, Channing T.
Dow, David O.
Hill, Richard L.
Scanlan, David M.

Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.
Teschner, Douglass P.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Cox, Gladys M.
Green, Scott E.
Hunter, Bruce F.
Kress, Gloria W.
Lefebvre, Roland J.
McNerney, Daniel P.

Barry, Janet G.
Brady, Carolyn L.
Desrosiers, William J.
Hatch, William H.
Keefe, Edmund M.
Lachut, Ervin R.
Mason, Howard F.
McRae, Karen

Boucher, Lionel R.
Cowenhoven, Garret P.
Elliott, Larry G.
Holden, Carol H.
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou
Ouellette, Robert O.

Perham, Lester R.
Stiles, Walter A.
Upton, Barbara A.

Riley, Frances L.
Tarpley, Nancy L.
Wheeler, David K.

Searles, Stanley N., Sr.
Turgeon, Roland M.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Gross, Caroline L.
Jacobson, Alf E.
Lockwood, Robert A.
Shaw, Randall F.

Boucher, Laurent J.
Hayes, Robert C.
Johnson, C. William
Nichols, Avis B.
Stio, Peter M.

Daneault, Gabriel
Holmes, Mary C.
Kidder, William F.
Phelps, James D.
Tolpin, Richard W.

ROCKINGHAM

Benton, Richardson D.
Caswell, Albert, Jr.
Flanagan, Natalie S.
Forsythe, Douglas G.
Hynes, Carolyn E.
MacDonald, Maurice B.
Schmidtchen, Rowland
Vartanian, Elsie
Welch, David A.

Boucher, William P.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Thomas U.
Katsakiores, George N.
Magoon, Harold F.
Sherburne, John L.
Vaughn, Charles L.
Wells, Henry E.

Brown, Jeffrey M.
Fesh, Robert M.
Flanders, John W., Sr.
Hoelzel, Kathleen M.
King, Roger C.
Palumbo, Vincent J., Jr.
Sytek, Donna P.
Warburton, Calvin
Wright, David B.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Frechette, Roland A.
Parks, Joe B.
Torr, Ann M.
Young, John B.

Brown, Julie M.
Flynn, Edward J.
Kincaid, William K.
Pelley, Janet R.
Tsiros, William

Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
Normandin, Kurt A.
Schotanus, Merle W.

Brodeur, Robert J.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the motion was adopted.

Resolution adopted.

HB 100-A, making appropriations for capital improvements. Ought to Pass with Amendment.

The Capital Budget represents an investment in our people and property for the future. The Committee started with the Governor's proposed capital budget and reduced that \$83.7 million request to the \$59 million proposal. Of that amount, \$47 million is to be repaid from the general fund and the balance from other accounts such as highway fund and the fish and game fund.

Some of the projects that are proposed are funding of the Land Trust for \$10 million to continue that popular and proven program. The University of New Hampshire received \$13.3 million for improvements including the new cultural arts center at Plymouth State College for \$7.5 million and other projects at the other campuses. The State Liquor Commission will receive \$2.8 million for new point-of-sale equipment to replace older equipment and increase the efficiency of their operations. More than \$2.0 million is included for the Postsecondary Vocational-Educational System for needed repairs and improvements to its facilities. The Concord District Court is

funded for \$3.6 million for a new facility. Design and engineering money is included for a new Rockingham County Superior Court building. The state will also expend \$250,000 to match the City of Keene's \$250,000 and receive \$4.5 million from the federal government to rebuild the airstrip at Dillant-Hopkins Airport in Keene. Seven point two million dollars is placed in this budget to provide the state's 20% share of the Water Pollution Control Revolving Loan Fund and receive the federal share of \$36 million. There are a number of lapse extensions for projects that have been authorized, but not yet completed.

The amendment also includes many other smaller projects to improve and make repairs to our state facilities, including funds for state parks, fish and game facilities and the Glencliff Home for the Elderly.

The Committee considered requests that totaled more than \$100 million and it feels it is recommending a Capital Budget that not only addresses the needs of the people, but is also a budget we can afford. Vote 16-0. Rep. James D. Phelps for Public Works.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies and branches named:

I. Adjutant General

A. Replace 40 overhead doors*	\$ 65,000
Less federal	-48,750
Net appropriation subparagraph A	16,250
B. Boiler replacement-Manchester*	93,000
C. Roof replacements/Underground tank replacement*	185,000
D. Runway repairs*	164,000
Less federal	-123,000
Net appropriation subparagraph D	41,000
E. Air handling and environmental control*	55,000
Total state appropriation paragraph I	\$ 390,250

II. Administrative Services

A. Londergan Hall renovations	\$ 145,000
B. Repair State House dome	250,000
C. Spaulding Hall renovations	1,844,000
D. D.I.S. UPS power*	525,000
Total state appropriation paragraph II	\$ 2,764,000

III. Agriculture

A. Study/design, location office and laboratory facility	\$ 75,000
Total state appropriation paragraph III	\$ 75,000

IV. Environmental Services

A. Small watershed programs	100,000
Total state appropriation paragraph IV	\$ 100,000

V. Executive - State Planning

A. Land conservation program	\$ 10,000,000
Total state appropriation paragraph V	\$ 10,000,000

VI. Health and Human Services

A. New Hampshire Hospital	
1. Laundry dryer equipment*	48,000
Total subparagraph A	\$ 48,000

B. Laconia Developmental Services	
1. Roof replacement	\$ 96,600
2. Replace steam lines	\$ 92,000
Total subparagraph B	\$ 188,600
C. Glencliff Home for the Elderly	
1. Roof replacements	\$ 65,000
2. Rewire Adams Hall and Brown Building	350,000
3. Replace poles and wiring to Hydro House	100,000
4. Generator replacement	75,000
Total subparagraph C	\$ 590,000
D. Children and Youth Services	
1. Asbestos abatement-Philbrook and YDC	\$ 450,000
2. Design for renovation Pinecrest Cottage - YDC	48,000
3. Install loading dock lift-YDC	125,000
4. Rewire Administration Building-YDC	36,000
5. Air handling-Philbrook	40,000
Total subparagraph D	\$ 699,000
Total state appropriation paragraph VI	\$ 1,525,600
VII. Liquor Commission	
A. Point of sale equipment/emergency power for computers*	\$ 2,800,000
Total state appropriation paragraph VII	\$ 2,800,000
VIII. Port Authority	
A. Study, design, consulting, permitting- Port of Portsmouth Expansion	\$ 100,000
Total state appropriation paragraph VIII	\$ 100,000
(The funds appropriated in this paragraph shall not be spent, obligated, or encumbered until such time as the port authority has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.)	
IX. Postsecondary Vocational-Technical Education	
A. NHVTC - Manchester	
1. Phase I rehabilitation of Knox Building	\$ 1,200,000
Total appropriation subparagraph A	\$ 1,200,000
B. NHVTC - Claremont	
1. Library remodeling and renovation/renovation of existing machine shop into business and computer center	\$ 600,000
Total appropriation subparagraph B	\$ 600,000
C. NHVTC - Nashua	
1. Drainage and Dredging	\$ 50,000
Total appropriation subparagraph C	\$ 50,000
D. Office of Commissioner	
1. Remove and replace various fuel tanks	\$ 386,000
Total appropriation subparagraph D	\$ 386,000
Total appropriation paragraph IX	\$ 2,236,000
X. Resources and Economic Development	
A. Mount Sunapee and Cannon-ski areas improvements- snowmaking/architectural and engineering design- Sunapee Base Lodge	\$ 1,800,000

B. Cannon Mountain chair lift	\$ 800,000
C. Handicapped accessibility-various parks	200,000
D. Bathhouse-Pawtuckaway state park	50,000
Total appropriation paragraph X	\$ 2,850,000
XI. Supreme Court	
A. Concord district court	\$ 3,600,000
Total appropriation paragraph X	\$ 3,600,000
XII. Transportation	
A. Aeronautics division	
1. Keene Dillant-Hopkins Airport-airport improvements	\$ 5,000,000
Less Federal (FAA)	- 4,500,000
Less Local (Keene)	- 250,000
Net appropriation subparagraph 1	\$ 250,000
2. Mt. Washington Regional Airport-Whitefield and Berlin Municipal Airport-Berlin/purchase install and maintain FAA certified automatic weather observation system #3.	\$ 200,000
Total appropriation subparagraph A	\$ 450,000
Total state appropriations paragraph XII	\$ 450,000
Total state appropriation section 1	\$ 26,890,850

*To Be 5 Years Bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Asbestos Removal	\$ 300,000
B. Life safety and handicapped	300,000
C. Renovation academic buildings-Keene	1,800,000
D. Design/shelving-Diamond Library-UNH	1,900,000
E. Renovation/rehabilitation-Mason-Keene	1,200,000
F. Cultural Arts Building-Plymouth	9,000,000
Less Other (Donations, grants, etc.)	-1,500,000
Net appropriation subparagraph F	\$7,500,000
G. NH public television network equipment replacement	300,000
Total state appropriation section 2	\$ 13,300,000

3 Appropriation; Departments of Safety and Transportation. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Safety	
A. Design/demonstration of radio system	\$ 200,000
B. Design Hayes Building	140,000
Total appropriation paragraph I	\$ 340,000
II. Transportation	
A. Design John O. Morton Bldg. addition	\$ 380,000
B. Replace underground fuel tanks	800,000
C. Bank stabilization Merrimack River-Morton Building	483,000
D. Replace burners-Morton Building	45,000
E. Digitizing USGS base maps	450,000
Total appropriation paragraph II	\$ 2,158,000
Total state appropriation section 3	\$ 2,498,000

4 Appropriation; Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Fish and Game

A. Repair/replace waterlines	\$ 180,000
Less federal	-135,000
Net appropriation subparagraph A	45,000
B. Pool/raceway enclosures	\$ 167,000
Less federal	-125,250
Net appropriation subparagraph B	41,750
C. Repair/replace concrete pools and raceway	\$ 558,000
Less federal	-418,500
Net appropriation subparagraph C	139,500
Total state appropriation paragraph I	\$ 226,250
Total state appropriation section 4	\$ 226,250

5 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought within the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of appli-

cable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3 and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$42,915,100 and for said purposes may issue bonds and notes in the name and on behalf of the the state of New Hampshire in accordance with the provisions of RSA 6-A.

8 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for projects in:

(a) Section 3 shall be made from the highway fund.

(b) Section 4 shall be made from the fish and game fund.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

10 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3 and 4 except such land, if any, as may be acquired under the appropriation for the division of water resources, shall be purchased by the commissioner of transportation with the approval of governor and council.

11 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier-free code requirements and energy conservation code requirements.

12 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal fund which are, or become available for any project under sections 1, 3 and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 7 shall be reduced by the same amount.

13 Transfers. The individual project appropriations, as provided in sections 1, 3 and 4 shall not be transferred or expended for any other purposes; provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section.

14 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3 and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced.

15 Increase Bond Authorization; Dam Maintenance Fund. Amend RSA 481:31 to read as follows:

481:31 Bonds Authorized. To provide working capital for initiation of the fund established in RSA 481:30, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of [\$3,200,000] **\$4,200,000** and for said purpose shall issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

16 Appropriation; State Water Pollution Control Revolving Loan Fund. The sum of \$7,200,000 is hereby appropriated for the biennium ending June 30, 1991, to the department of environmental services for the purpose of providing a 20 percent state matching grant for the federal funds to be deposited into the state revolving loan fund established by RSA 149-B:12. This appropriation is an estimate of the 20 percent required match for this biennium. In the event that the federal funds for this purpose are decreased, the state appropriation shall be reduced in proportion to the amount the federal funds have been decreased. Any amount of the required match which is available and uncommitted on June 30, 1991, shall lapse into the general fund on June 30, 1991.

17 Bonds Authorized. To provide funds for the appropriation made in section 16 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$7,200,000, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

18 Payments. The payment of principal and interest on bonds and notes issued for the project in section 16 shall be made when due from the general fund.

19 Appropriation; Supreme Court. The sum of \$396,000 is appropriated to the supreme court for the preparation of preliminary design and final design and construction documents for a new facility for the Rockingham county superior and probate courts. Design of this project shall be done in such a way as to allow for construction to be done in stages. Preliminary design documents must receive the approval of the capital budget overview committee, prior to the preparation of final design and construction documents. This appropriation shall be a charge against the court facilities escrow account established pursuant to RSA 490:26-c.

20 Lapse Dates Extended.

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, is hereby extended to June 30, 1991.

II. The following appropriations are hereby extended to June 30, 1990:

(a) The appropriation made to the veterans home in 1987, 399:1, XII, A, for the 50-bed nursing home.

(b) The appropriation made to the department of health and human services in 1987, 399:1, V, A, for TCF - equipment and furnishings for the New Hampshire hospital.

(c) The appropriation made to the department of health and human services in 1985, 409:23 as amended by 1987, 399:22, for the community care facility.

(d) The appropriations made to the secretary of state in 1987, 399:1, X, A, for addition to records and archives building; and 1987, 399:1, X, B, to insulate and replace roof covering, archives building.

(e) The appropriations made to the judicial branch in 1987, 399:1, VI (A)(2) for handicapped access of the Carroll county superior court building and in 1987, 399:1, VI, B for the construction of the Hillsborough county courthouse.

(f) The appropriations made to the port authority in 1987, 399:1, VII, A for dredging pier, and in 1987, 399:1, VII, B, for dredging of Portsmouth Harbor.

(g) The appropriation made to the department of health and human services in 1987, 399:1, V, B for design, renovations-spaulding cottage-YDC.

(h) The appropriation made to the department of corrections in 1987, 399:1, III, B, for Phase IV-B prison construction.

(i) The appropriations made to the department of health and human services in 1987, 399:1, V, C (3)(4) and (5) relative to boiler replacement, window replacement, and the laundry sprinkler system at the Glencliff home for the elderly.

(j) The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17 for the skyhaven airport and the skyhaven audit fund.

(k) The appropriation made to the aeronautics commission in 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a) and 1987, 399:45, I for Manchester airport-land acquisition and obstruction removal.

(l) The appropriation made to the aeronautics commission in 1978 49:1, III, A(1) as amended by 1981, 565:14, III and V(c), 1983, 423:19, and 1986, 211:16 for runway construction and obstruction removal at the Keene, Dillant-Hopkins airport.

(m) The appropriation made to the department of fish and game in 1987, 399:19, for the new headquarters facility, regional offices, and computer system.

21 Effective Date.

I. Section 20 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1989.

Rep. Phelps explained the bill as amended.

Amendment adopted.

A division was requested.

282 members having voted in the affirmative and 27 in the negative, the Committee report was adopted.

Referred to Appropriations.

HB 724, allowing a liquor store in Charlestown. Inexpedient to Legislate.

As there are two full-service stores now within a 12-mile radius of Charlestown, the Committee felt that there was no apparent need for a store at this time. Additionally, a new store would cost approximately \$130,000 for start up and no appropriation for this amount is in the bill or the budget. Vote 12-2. Rep. Betsy McKinney for Regulated Revenues.

Resolution adopted.

HB 693-FN, relative to the leasing of submerged or intertidal lands. Ought to Pass with Amendment.

Whereas the Supreme Court of the United States ruled that coastal states own or have rights to all the lands affected by the ebb and flow of the tides, including land miles from the ocean, it is up to the state to provide laws to protect tidal waters and lands against potentially environmentally destructive development.

This bill will provide a system which allows development to proceed while protecting wetland resources. Provisions will be established for the New Hampshire Port Authority to conduct a comprehensive study of its policies and procedures for the leasing of submerged tidal lands and to establish fees for the leasing of submerged tidal lands. Vote 14-0. Reps. Janet G. Wall and Robert E. Marston for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT relative to the leasing of submerged tidal lands.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Port Authority Authorized to Set and Collect Fees for Lease of Submerged Tidal Lands. Amend RSA 271-A:3 by inserting after paragraph V the following new paragraph:

VI.(a) Be authorized to set and collect fees for the leasing of submerged tidal land, with the approval of governor and council. Fees collected under this paragraph shall be credited to the harbor management fund. The authority may grant a proposed lease if, in addition to any other findings that the authority may require, the proposed lease will not unreasonably:

- (1) Interfere with navigation;
- (2) Interfere with fishing or other existing uses of the area; or
- (3) Diminish the availability of services and facilities necessary for commercial marine activities.

(b) Owners of waterfront property used solely for single family residential structures shall be exempt from the lease requirements of subparagraph (a), provided that the proposed use of the submerged tidal lands meets the requirements of subparagraph (a).

2 New Paragraph; Rulemaking. Amend RSA 271-A:4 by inserting after paragraph IV the following new paragraph:

V. Setting and collecting fees for the lease of submerged tidal lands. For leases entered into on or after the effective date of this paragraph and until such time as a permanent leasing schedule is established by the port authority, the fee shall not exceed \$.04 per square feet per year based on the total submerged land impacted by the project.

3 Study of Submerged Lands Leasing Policy.

I. The New Hampshire port authority, established under the provisions of RSA 271-A, shall conduct a comprehensive study of its policies and procedures for the leasing of submerged tidal lands. The study shall include, but not be limited to, the following topics:

- (a) The adequacy of current lease fee schedules to yield a fair rate of return for the state for the private use of submerged state lands.
- (b) The impact of current leasing policies on public access to the waters of the state, including access by commercial and recreational users.
- (c) The impact of current leasing policies on the commercial fishing industry, including the shore-based services and facilities on which this industry depends.
- (d) The desirability of the current trend towards what is commonly known as dockominium, which is long-term subleasing of leases to multiple leaseholders.

II. The authority shall establish an advisory panel of persons with interests and expertise in the leasing of submerged tidal lands, to advise the authority on the study conducted under paragraph I. Membership shall include members of the legislature; representatives of impacted state agencies; the commercial fishing industry; environmental scientists; the marine trades industry; recreational boating interests; municipal officials, including harbor masters; leaseholders; and such other groups as the authority finds useful.

III. The authority shall report its findings to the speaker of the house and the senate president on or before June 30, 1990.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the director of the port authority to set and collect fees for the leasing of submerged tidal lands, with the approval of governor and council. The bill also directs the port authority to conduct a comprehensive study of its policies and procedures for the leasing of submerged tidal lands.

Amendment adopted.

Ordered to third reading.

HB 216-FN, requiring emissions control inspections of motor vehicles. Re-Refer to Committee.

The Committee voted to re-refer the bill for further study. The original bill of intent was for statewide emissions control inspections of motor vehicles. Further information is needed from the Environmental Protection Agency to conclude it is necessary throughout the state, or in only specified counties. Vote 9-8. Rep. Emma M. Dodge for Transportation.

Report adopted.

HB 491, relative to insufficient funds. Inexpedient to Legislate.

The Committee feels that there are existing mechanisms that address this problem quite sufficiently. Vote 15-0. Rep. William Tsiros for Commerce, Small Business and Consumer Affairs.

Rep. Lefebvre moved that the words, Re-refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Hunt spoke to the motion.

Motion lost.

Resolution adopted.

HB 634-FN, relative to "black liquor" and municipalities. Inexpedient to Legislate.

The Committee felt that this situation was a one-time incident which could have been handled through existing statutes. Vote 16-0. Rep. A. Gibb Dodge, Jr. for Environment and Agriculture.

Rep. Elizabeth Greene explained the Committee Report.

Rep. Weddle moved that HB 634 be laid upon the table.

Motion lost.

Rep. Weddle moved that the words, Re-refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. A. Gibb Dodge spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 54

NAYS 278

**YEAS 54
BELKNAP**

Ziegra, Alice S.

CHESHIRE

Barber, Robert E., Jr.
Hill, Douglas E.
Pratt, Irene A.

Blacketor, Paul G.
LaMar, David M.

Cole, Kenneth A.
Pearson, Gertrude B.

GRAFTON

Bennett, Shirley M.

Chambers, Mary P.

Nordgren, Sharon L.

HILLSBOROUGH

Baldizar, Barbara J.
Bourque, Ann J.
Drabinowicz, A. Theresa
Foote, Herbert N., Sr.
Healy, Daniel J.
Messier, Irene M.
Soucy, Lillian E.

Barry, Vivian
Domaingue, Jacquelyn M.
Dwyer, Patricia R.
Frank, Nancy G.
Lefebvre, Roland J.
O'Rourke, JoAnne A.
Toomey, Daniel

Biondi, Christine A.
Donovan, Francis X.
Elliott, Larry G.
Green, Scott E.
Lozeau, Donnalee M.
Pignatelli, Debora B.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Dunn, Miriam D.

Barberia, Richard A.
Jacobson, Alf E.

Daneault, Gabriel

ROCKINGHAM

Brown, Lewis W.
Pantelakos, Laura C.
Sanderson, Patricia O.

Kane, Cecelia D.
Rosencrantz, James R.
Weddle, Michael R.

McGovern, Cynthia A.
Roulston, Donald L.

STRAFFORD

Dionne, Albert J.
Spencer, Leo J.
Wheeler, Katherine Wells

Gilmore, Gary R.
Sullivan, Henry P.

Scharff, Thomas E.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J.

Harland, Jane A.

NAYS 278**BELKNAP**

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Turner, Robert H.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chase, Russell C.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.
Foster, Katherine D.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.
Young, David A.

Crutchley, Donald O.
Gordon, Irvin H.
Laurent, John J.
Miller, Jeffrey C.
Sawyer, Alfred P.

Delano, Robert F.
Grodin, Richard A.
Matson, William R.
Morse, JoAnn T.
Spear, Susan S.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

Burns, Harold W.
Lemire, George
Merrill, Gerald P.
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Densmore, Edward D.
Eno, Larry E.
LaMott, Paul I.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Arnesen, Deborah L.
Christy, C. Dana
Dow, David O.
Guest, Robert H.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Copenhaver, Marion L.
Driscoll, William J.
Hill, Richard L.
Markley, J. Keith
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Brady, Carolyn L.
Cox, Gladys M.
Desrosiers, William J.
Dyer, Merton S.
Fields, Dennis H.
Genest, Fernand A.
Guilbert, Lionel
Holden, Carol H.
Jasper, Shawn N.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Murphy, Robert E.
Pappas, Toni
Prestipino, Bartolo V.
Rheault, Lillian I.
Rodgers, G. Philip
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara A.
Wright, George W.

Alukonis, David J.
Boucher, Lionel R.
Burkush, Peter A.
Daigle, Robert A.
Dodge, Emma M.
Dykstra, Leona
Ford, Nancy M.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Kress, Gloria W.
Lown, Elizabeth D.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Turgeon, Roland M.
Wheeler, David K.
Young, Willard N.

Barry, Janet G.
Bowers, Dorothy C.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Grip, Robert H.
Hatch, William H.
Hunter, Bruce F.
Jenkins, Mary
King, John A.
Lachut, Ervin R.
Mason, Howard F.
McNerney, Daniel P.
Morrisette, Roland A.
Ouellette, Robert O.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Gross, Caroline L.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.

Bardsley, Elizabeth S.
Fair, Patricia A.
Hager, Elizabeth
Hill, Michael
Kidder, William F.
Nichols, Avis B.

Braiterman, Thea G.
Fillion, Paul R.
Hall, Douglas E.
Holmes, Mary C.
Lewis, Mary Ann
Pantzer, Eugene E.

Phelps, James D.
Soldati, Jennifer
Wallner, Mary Jane

Shaw, Randall F.
Stio, Peter M.
West, George M.

Smith, Gerald R.
Tolpin, Richard W.
Whittemore, James A.

ROCKINGHAM

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Marilyn R.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Haynes, Richard L.
Hollingworth, Beverly A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCain, William F.
Palumbo, Vincent J., Jr.
Popov, Elizabeth M.
Ritzo, Eugene
Seward, Russell G.
Sochalski, Matthew M.
Tufts, J. Arthur
Warburton, Calvin
Wright, David B.

Benton, Richardson D.
Buco, Stephen W.
Caswell, Albert, Jr.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Hoar, John, Jr.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Magoon, Harold F.
McKinney, Betsy
Parr, Ednapearl F.
Raynowska, Bernard J.
Schmidtchen, Rowland
Sherburne, John L.
Splaine, John E., Sr.
Vartanian, Elsie
Welch, David A.

Boucher, William P.
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parsons, Robert F.
Remick, Barbara R.
Senter, Marilyn P.
Skinner, Patricia M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra B.
Marston, Robert E.
Meserve, John H.
Pelley, Janet R.
Torr, Ann M.
Young, John B.

Bernard, Mary E.
Callaghan, Robert J.
Foss, Patricia H.
Kincaid, William K.
Martling, W. Kent
Musler, George T.
Stewart, Glenn W.
Tsiros, William

Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Merrill, Amanda A.
Parks, Joe B.
Swope, Warren L.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
MacAskill, Kenneth M.
Peyron, Fredrik
and the motion lost.
Resolution adopted.

Burling, Peter Hoe
Hinrichsen, Keith L.
Middleton, John A.
Rodeschin, Beverly T.

Domini, Irene C.
Krueger, Richard H.
Normandin, Kurt A.
Schotanus, Merle W.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members. Ought to Pass with Amendment.

This bill amends the New Hampshire Retirement System status by (1) explaining the uses for special account funds; (2) reversing how supplemental allowances on cost of living adjustments are granted; (3) by first *confirming* all existing additions (COLAs) and making temporary COLAs permanent and then *repealing* the statutory pro-

visions that granted them and that have no further application; (4) by granting a 20% COLA to teachers retired before 1957 who were not covered by Social Security. The funding will be terminally funded from the special account created by RSA 100-A:16, II (h). Vote 15-0. Rep. Randall F. Shaw for Executive Departments and Administration.

Amendment

Amend RSA 100-A:41-a, V as inserted by section 2 of the bill by replacing it with the following:

V. All supplemental or additional allowances granted under the present or former provisions of this subdivision and in effect as of June 30, 1989, are confirmed as permanent supplemental allowances under this section. All temporary additional allowances granted under 1988, 193:12 as of July 1, 1988, are hereby made permanent supplemental allowances under this section. The accumulated totals of all increases granted to teachers retired prior to July 1957 by amendment to RSA 192:30 and in effect as of June 30, 1989, are confirmed as supplemental allowances under this section, and any future supplemental allowances granted to such teachers shall be in lieu of any further increase under RSA 192:30.

Amend the bill by replacing sections 4 and 5 with the following:

4 Repeal. The following are repealed:

- I. RSA 100-A:40, relative to supplementary allowances for state policemen.
- II. RSA 100-A:42, relative to supplementary allowances for municipal employees.
- III. RSA 100-A:42-a, relative to additional allowances in general.
- IV. RSA 100-A:42-b, relative to additional allowances.
- V. RSA 100-A:42-c, relative to additional allowances.
- VI. RSA 192, relative to the teachers' retirement system.

5 Supplemental Allowances Granted. A supplemental allowance of 20 percent, pursuant to RSA 100-A:41-a as inserted by section 2 of this act, is hereby granted to all teachers retired before July, 1957, under the provisions of RSA 192, effective July 1, 1989.

AMENDED ANALYSIS

This bill amends the New Hampshire retirement system statutes by:

- (1) Explaining the uses for special account funds;
- (2) Revising how supplemental allowances or cost of living adjustments are granted; and
- (3) Confirming supplemental or additional allowances in effect on June 30, 1989.

The bill also repeals RSA 192 relative to the teachers' retirement system, and grants a supplemental allowance of 20 percent to teachers retired before July, 1957. The supplemental allowance for teachers is terminally funded from special account funds.

Rep. Ward spoke to the report.

Amendment adopted.

Referred to Appropriations.

HB 609-FN, establishing a pilot program for jury selection, service and compensation in one county. Ought to Pass with Amendment.

The amendment is the bill and requires that the Superior Court make a study of certain procedures in jury selections, and in particular any alternate list from which to

choose juries and the one day/one trial procedure. Vote 10-2. Rep. Alf E. Jacobson for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to jury selection procedures.

Amend the bill by replacing all after the enacting clause with the following:

1 Report on Jury Selection and Uniformity of Procedure. The superior court, acting by and through the chief justice, shall submit a report to the speaker of the house and the president of the senate on or before January 1, 1990. The report shall analyze the advantages and disadvantages of using a listing of licensed drivers, a voter registration list or a combination of the 2 lists to serve as the basis for selecting jurors. The report shall also examine the concept of a one day/one trial procedure. The report shall describe all costs and procedural adjustments required with each approach listed.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the superior court to prepare and submit a report to the speaker of the house and the president of the senate on or before January 1, 1990, on procedures for selecting jurors and on the one day/one trial concept.

Rep. Thomas Gage spoke to the Committee report.

Amendment adopted.

Ordered to third reading.

HB 718, relative to sewer districts. Inexpedient to Legislate.

This bill would allow a referendum that would be inconsistent with the concept of the town council form of government. The Committee feels that this kind of question should be resolved locally. Vote 16-0. Rep. George M. West for Municipal and County Government.

Rep. Leonard Smith moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Jasper, Rodgers and Lionel Boucher spoke in favor of the motion and yielded to questions.

Rep. Perry spoke against the motion.

Motion lost.

Resolution adopted.

HB 103-FN, relative to motor vehicle laws. Ought to Pass with Amendment.

This is the annual omnibus bill suggested by the Department of Safety. The Subcommittee increased the request of \$25 for a four-year driver's license to \$30. The bill calls for an increase in the annual fee paid by an inspection station from \$15 to \$25, and for titles from \$7 to \$10. Changes in the statutes covering motorcycles, antique cars, inspection stickers, animal husbandry vehicles were made, among others. Vote 17-0. Rep. Roger Stewart for Transportation.

Amendment

Amend RSA 261:8, I as inserted by section 2 of the bill by replacing it with the following:

I. Each certificate of title issued by the department shall contain:

- (a) The date issued;
- (b) The name and address of the owner;
- (c) The names and addresses of any lienholders, in the order of priority as shown on the application, or, if the application is based on a certificate of title, as shown on the certificate;
- (d) The title number assigned to the vehicle; *and*
- (e) A *general* description of the vehicle [including, so far as the following data exist, its make, model, vehicle identification number, model year, year of manufacture, type of body, number of cylinders, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use][; and].
- [(f) Any other data the director prescribes.]

Amend the bill by replacing sections 10 and 11 with the following:

10 Motorcycle Learner's Permit. RSA 263:32, II is repealed and reenacted to read as follows:

II. A motorcycle learner's permit shall permit the holder of such a permit to drive a motorcycle on any way after sunrise and before sunset. The holder of a motorcycle learners permit shall not carry any passengers when he drives on any way.

11 Increasing Driver's License Fees. Amend RSA 263:42, I to read as follows:

I. For each driver's original license and examination, [\$20] **\$30**; for each commercial driver's original license and examination, [\$20] **\$30**; for each motorcycle driver's original license and examination, [\$20]**\$30**; and said license shall expire on the fourth anniversary of the license holder's date of birth following the date of issuance. For every [\$20] **\$30** fee collected for each original driver's and each original commercial driver's and each original motorcycle driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. For all subsequent renewals of driver's, commercial driver's and motorcycle driver's licenses, [\$20] **\$30**.

Amend RSA 265:30, II as inserted by section 15 of the bill by replacing it with the following:

II. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. [Provided, however, that] If such a driver is involved in a collision with a vehicle in the intersection after driving past a yield sign without [stopping] *yielding*, such collision shall be deemed prima facie evidence of his failure to yield right of way.

Amend the bill by replacing all after section 17 with the following:

18 Definition of Wrecker. Amend RSA 259:126 to read as follows:

259:126 Wrecker. "Wrecker" shall mean a motor vehicle of the truck type designed, manufactured, intended, or adapted primarily for the towing [or transportation] of vehicles upon a way.

19 Lighting Required. Amend RSA 266:109, I to read as follows:

I. Two additional stop and directional lamps placed so as to be readily visible to traffic from the rear at all times. The towed vehicle shall be equipped with portable [lights] *lamps* to conform with RSA 266:36. *In the case of a vehicle designed to*

carry motor vehicles on the bed of the vehicle, however, the additional stop and directional lamps shall not be required. Any vehicle being towed by a vehicle which is designed to carry motor vehicles on the bed of the vehicle shall be equipped with portable stop and directional lamps and portable lamps to conform with RSA 266:36.

20 Repeal. RSA 260:62, relative to reports on motor fuel delivered for use in boats, is repealed.

21 Title Fees Increased. Amend RSA 261:20, I to read as follows:

I. The department shall be paid the following fees:

(a) For filing an application for a first certificate of title, with or without a lienholder named, [\$7] **\$10**;

(b) For a certificate of title after a transfer, with or without a lienholder named, [\$7] **\$10**;

(c) For a duplicate certificate of title, [\$7] **\$10**;

(d) For an ordinary certificate of title issued upon surrender of a distinctive certificate, [\$7] **\$10**;

(e) For filing a notice of security interest, [\$7] **\$10**;

(f) For a certificate of search of the records of the division, for each name or identification number searched against, [\$7] **\$10**;

(g) For filing an assignment of security interest, \$1;

(h) For issuing a distinctive New Hampshire number in place of a vehicle identification number, [\$10] **\$15**.

22 Salvage Certificate of Title Fee Increased. Amend RSA 261:22, II(c) to read as follows:

(c) The required fee of [\$5] **\$10**.

23 Fee for Certificate of Title Increased. Amend RSA 261:4, IV to read as follows:

IV. The department shall furnish every town clerk and may furnish to certain dealers and financial institutions, forms for application for certificate of title and shall have such forms available at the office of the division. Said forms shall be prepared in typewritten form from information supplied by the owner, either by an employee of the division, town clerk, such dealer or such financial institution. Every application for certificate of title shall be examined by the town clerk to determine whether it has been completed according to law. For preparation, examination, record keeping, and filing of such forms as herein provided a town clerk shall be paid a fee of [\$1] **\$2** by the owner of each application, which shall be in addition to any other fees required under the provisions of this chapter. For preparation of such forms and remittance of required fees by such a dealer or such a financial institution, said dealer or institution may charge a maximum fee of [\$1] **\$2**. In the event said dealer or institution charges more than said maximum, he or it shall be guilty of a violation.

24 Emissions Inspection; Additional Exception. Amend 1985, 403:5 to read as follows:

403:5 Emissions Inspection; Exceptions. The provisions of section 4 shall not apply to:

I. Diesel powered vehicles.

II. Vehicles more than 15 model years old at the time of registration.

III. Vehicles driven on dealer plates and dealer registration certificates.

IV. Vehicles which have not been previously titled.

25 Covering on Vehicles Carrying Junk Motor Vehicles. Amend RSA 266:69 to read as follows:

266:69 Binder Chains on Vehicles Carrying Junk Motor Vehicles. No vehicle while being used to transport junk motor vehicles shall be driven on the ways of this state, unless each such load on each such unit is *completely covered by a tarpaulin or an equally effective alternative covering, and is bound by 3 chains and binders, [said] such chains made of not less than 3/8 inch wire, and [unless said] such chains and binders [are] held firmly in place and [are] properly spaced to secure the load.*

26 Effective Date.

I. Section 24 of this act shall take effect upon its passage/

II. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill was requested by the department of safety. The bill makes the following changes in the motor vehicle statutes:

- (1) Specifies when motorcycles and antique cars are to be inspected.
- (2) Increases driver license fees from \$20 to \$30.
- (3) Increases the annual fee paid by inspection stations from \$15 to \$25.
- (4) Increases title and salvage certificate of title fees.
- (5) Allows the holder of a motorcycle learner's permit to drive a motorcycle on any way between sunrise and sunset.
- (6) Allows an inspection sticker to be valid for the same period for which the car can be registered, up to 16 months.
- (7) Allows only one 20-day registration for a car purchased out-of-state to be issued during any one calendar year.
- (8) Requires wholesale dealers to provide a bond or equivalent proof of financial responsibility.
- (9) Authorizes the revocation of dealer bond appointments for good cause.
- (10) Amends the information required for a certificate of title and the information which must be included in duplicate certificates.
- (11) Exempts implements of animal husbandry from permit and registration requirements.
- (12) Amends certain time requirements for reporting accidents and beginning adjudicative proceedings.
- (13) Repeals required reports on motor fuel delivered for use in boats.
- (14) Requires drivers using an entrance ramp onto a highway to yield to traffic whether or not there is a yield sign.
- (15) Includes buses owned by religious and nonprofit organizations for special drivers' license, driving rules, and inspection requirement purposes.
- (16) Amends the definition of and lighting required for wreckers.
- (17) Increases the fee charged for issuing certificates of title from \$1 to \$2.
- (18) Adds an exception for emissions inspections.
- (19) Requires vehicles which carry junk motor vehicles to cover the load with a tarp or similar covering.

Amendment adopted.

Referred to Appropriations.

HB 233, prohibiting the transportation of persons and domesticated pets in open bed trucks. Re-refer to Committee.

Due to its complex nature, the Committee voted to re-refer HB 233 on a vote of 17-0. The subject matter has been addressed by previous legislative sessions and still the

humane concerns persist. Although the testimony was unanimous favoring immediate passage, the Committee wanted clear definitions regarding "open bed trucks and domesticated pet animals." In order to formulate an accurate policy, the Committee requests the additional time to meet its responsibilities. Rep. James J. White for Transportation.

Rep. Jasper moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Re-refer to Committee, and spoke to his motion.

Rep. White spoke against the motion.

Motion lost.

Report adopted.

RECONSIDERATION

Rep. Hatch moves that the House reconsider its actions of March 21, whereby it ordered to third reading and passed HB 616-FN, relative to the public utilities commission, and return the bill to second reading.

Motion adopted.

Rep. Hatch offered an amendment and spoke to his amendment.

Amendment

Amend RSA 362:4, III as inserted by section 1 of the bill by replacing it with the following:

III. A municipal corporation furnishing water or sewage disposal services shall not be considered a public utility under this title:

(a) If serving customers outside its municipal boundaries, charging such customers a rate no higher than that charged to its customers within the municipality, and serving those customers a quantity and quality of water or a level of sewage disposal service equal to that served customers within the municipality. Nothing in this section shall exempt a municipal corporation from the franchise application requirements of RSA 374.

(b) With respect to supplying bulk water pursuant to a wholesale rate or contract to another municipality, village district, or water precinct. This subparagraph shall not apply to existing contracts which are in effect upon the effective date of this subparagraph or to any renewal of an existing contract.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Chambers and Palumbo moved that the Rules be so far suspended as to permit consideration, and final passage at the present time of HB 765, authorizing the Belknap recreational area to borrow in anticipation of revenues, and spoke to his motion.

Adopted by the necessary two-thirds.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 765, authorizing the Belknap recreational area to borrow in anticipation of revenues. (Hawkins of Belknap Dist. 5 - To Municipal and County Government)

Rep. Randall moved that HB 765 be read a third time and passed.

Adopted.

Third reading and final passage

HB 765, authorizing the Belknap recreational area to borrow in anticipation of revenues.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, March 23, at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 262-FN, extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.

HB 487, relative to grandparents' rights.

HB 658-FN, establishing a committee to study the laws relative to depositions.

HB 677, relative to modification of child support guidelines.

HB 323, relative to payment of costs of bank examinations.

HB 401-FN, imposing a filing fee for registration of securities by coordination.

HB 463, excluding credit life and health companies from the 30-day premium return requirement.

HB 493, relative to insurance premium refunds.

HB 562-FN, making technical changes in the election laws.

HB 640-FN, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan.

HB 264-FN, prohibiting the distribution, sale, possession or use of anabolic steroids except for purposes of medical treatment.

HB 643-FN, relative to retention and destruction of district court records, responsibility for payment of costs of court ordered services, and taxable court costs.

HB 699-FN, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence.

HB 709, relative to use of recording devices by plaintiffs and defendants.

HB 489, relative to utility easements.

HB 650-FN, relative to removing tax collectors.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games.

HB 652-FN, relative to discounts and credit terms for the sale of wine.

HB 147-FN, relative to commercial driver licensing.

HB 726, relative to bylaws which regulate electioneering.

HB 565, relative to the state board of education.

HB 737-FN, amending the joint state-capitol city planning commission.

HB 644-FN, enabling cities and towns to adopt an optional veterans exemption.

HB 693-FN, relative to the leasing of submerged tidal lands.

HB 609, relative to jury selection procedures.

HB 616-FN, relative to the public utilities commission.

Rep. Palumbo moved that the House stand in recess for the purpose of enrolling reports only.

Adopted.

The House recessed at 5:30 p.m.

RECESS

Rep. Phelps moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 16

Thursday, March 23, 1989

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

God of power and purpose, christian tradition tells us that on this day a simple commandment was spoken for all to hear—that we are to love one another because You have loved us.

We acknowledge how easy it is to say we love humanity in general, while finding it hard to love real people with real needs. Guide us today to love our brothers and sisters who are ill in mind and body, our children who live in poverty and without adequate education, our parents who face the worries of aging and who fear for their own well-being.

Inexhaustible God, give meaning to this day, to our labors and to our decisions, we pray. Amen.

Rep. Anita Flynn led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Daniel Eaton, Avery, Cote, Pierce and Manus, the day, illness.

Reps. Gilbreth, Guay, Drake, Julie Brown, Lucier, Vincent and Millard, the day, important business.

Reps. Bickford and Roger Stewart, the day, death in the family.

Reps. Joseph MacDonald and Dumont, the day, illness in the family.

INTRODUCTION OF GUESTS

Students of the nursing program at the University of New Hampshire, guests of Rep. Sochalski; Rob Nordgren, son of Rep. Nordgren; the Plymouth Area High School government class and its teacher John Tucker, guests of Rep. Bennett; Deborah Fauva, guest of Rep. Daly; Tony Gunta, guest of Rep. Maviglio; Wally Doerr, guest of Rep. Raynowska; Rachel Rahav, guest of Rep. Bicknell; Roger Croteau of Antrim, guest of Rep. Elliott.

ENROLLED BILLS REPORT

HB 20, authorizing investigators to photograph hazardous waste sites.

HB 60, relative to pronouncement of death by nurses.

HB 89, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams.

HB 124, relative to the annual fee for issuers of open-end mutual funds and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers.

HB 128, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations.

HB 186, allowing free hunting and fishing licenses for residents suffering from certain handicaps.

HB 246, relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next.

Rep. James D. Phelps
For the Committee

SUSPENSION OF RULES

Reps. Burns and Densmore moved that the Rules be so far suspended as to permit consideration at the present time of HB 250, relative to the classified personnel system, and HB 350, relative to the unclassified personnel system.

Adopted by the necessary two-thirds.

HB 250-FN, relative to the classified personnel system. Ought to Pass with Amendment.

This bill directs the Director of Personnel to implement the recommendations of the Personnel System Task Force established by Laws of 1986, 12:2.

It creates a new position classification plan which requires fewer labor grades, 21 instead of the current 34. The steps in position go from five to eight. No employee will be placed at a lower salary than now held.

Equally or more important is the performance management system which will insist on yearly evaluation reviews. Upon this system of performance evaluation will be built merit increases in salary. This bill also tightens up the classification appeal process, forcing a decision in 90 days or retroactive pay will be given. The addition of a statement of intent is to make clear the Committee's view that the bill does not and should not hinder any negotiations over a new matrix. Vote 14-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 1 with the following:

1 Statement of Legislative Intent; Adoption of Task Force Recommendations.

I. It is the intent of this bill to implement the recommendations of the personnel system task force which recently studied the classification system for classified state employees. It is not the intent of this bill to interfere with or complicate in any way the negotiation process between the state and its employees.

II. The general court finds that a new and modernized personnel system is essential for recognizing and managing one of the state's major resources, its classified state employees. Therefore, in order to revise, modernize and improve the human resources policies and procedures vital to the effective operation of state government and to maximize the use of general funds allocated for personnel services, the general court declares the following to be consistent with the policy and objectives of the state:

(a) The personnel system task force, established by 1986, 12:2, has recommended a new position classification plan and performance appraisal system, to be called the performance management system, which the general court recognizes as consistent with RSA 21-I:42, II and RSA 21-I:42, XIII and hereby accepts as state policy.

(b) The recommendations of the personnel system task force concerning the state personnel system are consistent with the legislative intent of reorganization under RSA 21-G:2, II. In addition, the new performance management system facilitates communication between state employees and managers, thereby improving the administrative capabilities of state agencies to utilize human resources in a productive and effective manner.

(c) This performance management system complies with the purpose, operational structure and standard terminology defined in RSA 21-G:6 by establishing clear lines of accountability, reducing the complexity of the executive branch workforce, protecting the classification process from either conscious or inadvertent bias, and improving policy coordination within state agencies.

III. Therefore, the general court hereby directs the director of the division of personnel to implement the performance management system as the new position classification plan required under RSA 21-I:42, II and as the performance evaluation system required under RSA 21-I:42, XIII.

Amend the bill by replacing sections 3 and 4 with the following:

3 Reclassifications. RSA 21-I:54, III is repealed and reenacted to read as follows:

III.(a) Department heads shall have 45 days from the time of an employee's request for reclassification or reallocation during which to submit the information required under subparagraph (b) to the director. If a department head fails to comply with this 45-day requirement, the employee shall be entitled to retroactive pay which shall be paid out of the department's budget from the beginning of the next pay period immediately following the date on which the 45-day period ended.

(b)(1) The director shall make a decision on any request for reclassification or reallocation from department heads or position incumbents within 45 days of receipt of the following:

(A) An amended supplemental job description detailing a change in job function; and

(B) A completed request for reclassification or reallocation, as defined by rules adopted by the director under RSA 541-A and RSA 21-I:43.

(2) If disposition of a request takes longer than 45 days, retroactive pay shall be paid out of the salary adjustment fund from the beginning of the next pay period immediately following the date on which the 45-day period ended.

4 Time Limits Added. Amend RSA 21-I:57 to read as follows:

21-I:57 Allocation Review. The employee or the department head, or both, affected by the allocation of a position in a classification plan shall have an opportunity to request a review of that allocation in accordance with rules adopted by the director under RSA 541-A, provided such request is made within 15 days of the allocation. If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. *The employee's department head shall have 45 days to submit any additional information required by the director. The director shall have 45 days from the receipt of all information to make a decision on the review. If the department head fails to comply with the 45-day requirement and the employee prevails, the employee shall be entitled to retroactive pay which shall be paid out of the department's budget from the beginning of the next pay period immediately following the date on which the 45-day period ended. If the director fails to comply with the 45-day requirement and the employee prevails, the employee shall be entitled to retroactive pay which shall be paid out of the salary adjustment fund from the beginning of the next pay period immediately following the date on which the 45-day period ended.* The employee or department head, or both, shall have the right to appeal the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the

board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction.

Amend the bill by replacing section 7 with the following:

7 Transition; Incumbents.

I. Classified employees of the state shall be placed within the new salary ranges established by RSA 99:1-a in accordance with the new labor grade assigned to their position. Employees shall be placed at the salary step in the new labor grade which most closely matches the dollar amount of the employee's labor grade and step on the date of the end of the pay period immediately preceding July 1, 1989. No employee's salary shall be reduced as a result of such placement.

II. If an employee is at his maximum step and has 10 years or more of state service upon the effective date of this act, he shall be eligible to proceed to the next step on his next increment date if he meets all performance requirements of RSA 21-I:42, XIII. If an employee is at his maximum step and has less than 10 but more than 5 years of state service upon the effective date of this act, he shall be eligible to proceed to the next step one year from his next increment date.

AMENDED ANALYSIS

This bill directs the director of the division of personnel to implement the recommendations of the personnel system task force established by 1986, 12:2. The recommendations of the task force are to create a new position classification plan and performance appraisal system which would be called the performance management system.

Under this bill, the performance management system requires fewer labor grades; however, the labor grades have more step increases within them. The step increases shall be granted according to documented work performance and, after step 4, require 2 years of service to move from step 4 to 5 and from step 5 to 6, and 3 years of service from step 6 to the maximum.

The bill declares that incumbent classified employees are to be placed at the salary step in the new labor grade which most closely matches the dollar amount of the employee's current labor grade and step on the date of the end of the pay period immediately preceding July 1, 1989. The bill also gives certain employees who are currently at the maximum step in their salary level and who would be at less than the maximum step in the new system limited credit for years in state service in terms of time required to be served before advancement to a higher step in the new system.

The bill also makes changes in the law relative to retroactive pay resulting from requests for reclassification and reallocation.

Rep. Maurice MacDonald yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 350-FN, relative to the unclassified personnel system. Ought to Pass with Amendment.

House Bill 350 culminates a two-year process required by SB 145 (1986 Session Law, Chapter 265:2) which required the Personnel System Task Force to "conduct an in-depth study of salaries for all unclassified state employees." During this process the services of Peat Marwick were retained to examine the unclassified position salary

allocation system. The Committee considered the testimony of sponsors, the consultant, and other interested individuals to produce an amended version of HB 350 containing what the Committee considers to be major improvements in the unclassified salary administration process.

HB 350, as amended, includes consultant recommendations to reduce the number of salary grades from 12 to nine. Further, it requires use of a position leveling matrix that allows for flexible, practical decisions as to the allocation of positions to letter grades.

In response to strong recommendations from the consultant and those experienced in unclassified salary administration, HB 350 calls for the creation of an Unclassified Position Allocation and Review Committee to consider allocation decisions made by administrative department heads and, in turn, transmit their recommendations to the Legislature for action via the Fiscal Committee. The Committee feels the need for consistency and context requires the intervention of such a committee to improve legislative decision-making and assure fairness to administrative department heads.

While, due to uneasiness with the process utilized, the Committee chose not to implement the specific position allocations made by the consultant, it feels those elements the bill does adopt constitute significant progress and lays the groundwork for an effective process under which specific positions can be reviewed.

The Committee concurs with the sponsors of HB 350 in elevating the constitutional positions, Secretary of State and State Treasurer, by one step, representing the first change in those positions in more than a decade. Vote 14-0. Rep. Wayne M. Burton for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the unclassified personnel system and making
an appropriation for a consultant fee.

Amend the bill by replacing all after the enacting clause with the following:

1 Salaries Consolidated and Established. RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on July 1, 1989.

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
A	\$20,625	\$24,056	\$27,487	\$30,918	\$34,349
Director, veterans' council					
Executive director, real estate commission					
Executive assistant, adult parole board					
Assistant to the commissioner of the department of resources and economic development					
Criminal justice investigators					
Consumer protection investigators					

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
B	\$27,472	\$30,052	\$32,633	\$35,213	\$37,794

Assistant secretary of state

Assistant state treasurer

Director of administration, department of corrections

Director, police standards and training council

Education and training officer

Senior industrial agents

Deputy labor commissioner

Executive director, governor's commission for the handicapped

Director, division of the arts

Director, division of historical resources

Director, division of agricultural development

Multistate auditors

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
C	\$30,922	\$33,497	\$36,072	\$38,647	\$41,222

Assistant insurance commissioner

Coordinator of highway safety

State veterinarian

Board of tax and land appeals, members

Field audit team leader

Director, port authority

Executive director, postsecondary education commission

Unit director (non-medical), New Hampshire hospital

Unit director (non-medical), secure psychiatric unit

State archivist

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
D	\$34,353	\$36,928	\$39,503	\$42,078	\$44,653

Superintendent, Glenclyff home

Commandant, veterans' home

Assistant attorneys-general

Director, office of alcohol and drug abuse prevention

Executive secretary, N. H. retirement system

Counsel, department of employment security

Counsel, public utilities commission

Director, of aeronautics

Director, charitable trusts

Audit team leader

Manager, planning and support, division of information services

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
E	\$37,795	\$40,370	\$42,945	\$45,519	\$48,094

Assistant superintendent for administration and support, Laconia developmental services

Assistant superintendent, New Hampshire hospital
Director of adult services/warden, department of corrections
Commissioner of agriculture
Labor commissioner
Deputy secretary of state
Deputy treasurers
Deputy insurance commissioner
Director, division of elderly and adult services, department of health and human services
Director, division of air resources
Director, division of waste management
Executive director, fish and game
Executive director, land conservation investment program
Director, economic development
Director, forests and lands
Director, parks and recreation
Director, field services
Director of libraries
Assistant director, audit division
General counsel, department of employment security
Deputy bank commissioner
Manager of employee relations
Senior operational analyst
Financial data manager
Internal auditor
Deputy commissioner of vocational-technical education
President of the technical institute
Presidents of the technical colleges
Director of safety services
Director of enforcement, department of safety
State fire marshal
Deputy director, division of information services

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
F	\$39,513	\$42,304	\$45,094	\$47,885	\$50,675

Adjutant general
Commissioner, libraries, arts and historical resources
Director, insurance examination
Director, audit division, revenue administration
Director, returns processing, revenue administration
Senior assistant attorney general
Liquor commissioners
Director of human services
Director, division for children and youth services
Executive director, sweepstakes commission
Budget officer
Director, division of accounting services
Director, division of plant and property management

Director, division of instructional services
 Director, division of standards and certification
 Director, division of vocational rehabilitation
 Director of the office of securities regulation
 Chief investigator, office of securities regulation
 Administrator of the office of securities services, office of securities regulation
 Administrator of the bureau of securities filings, office of securities regulation
 Administrator of the bureau of securities, audits and examinations, office of securities regulation
 Director, division of water resources
 Deputy commissioner of health and human services

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
G	\$44,655	\$47,875	\$51,094	\$54,314	\$57,533

Associate attorney general
 Commissioner, corrections
 Commissioner, department of employment security
 Commissioner of vocational-technical education
 Liquor commission, chairman
 Executive director, liquor commission
 Director, division of personnel
 Director, division of information services
 Director, division of water supply and pollution control
 Assistant commissioner, revenue administration
 Director of administration, department of transportation
 Director of operations, department of transportation
 Bank commissioner
 Director of public works, department of transportation
 State treasurer
 Secretary of state
 Director of motor vehicles
 Director of state police
 Director of administration, department of safety

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
H	\$46,382	\$50,461	\$54,539	\$58,618	\$62,696

Assistant commissioner of safety
 Superintendent, Laconia developmental services
 Superintendent, New Hampshire hospital
 Senior physician/psychiatrist/dentist
 Psychiatrist, secure psychiatric unit
 Deputy attorney general
 Director of project development, department of transportation
 Assistant commissioner, department of environmental services
 Unit director (medical), New Hampshire hospital
 Unit director (medical) secure psychiatric unit
 Commissioner, department of environmental services

Director, mental health and developmental services

Director, public health services

Assistant superintendent for professional services, Laconia developmental services

Assistant superintendent for professional services, New Hampshire hospital

Assistant commissioner of transportation

Deputy commissioner of education

Medical director, division of mental health and developmental services

Group I \$64,405

Public utilities commissioners

Attorney general

Insurance commissioner

Commissioner, department of transportation

Commissioner, health and human services

Commissioner, education

Commissioner, revenue administration

Commissioner, resources and economic development

Safety commissioner

Commissioner, department of administrative services

Group J \$80,000

Chief medical examiner

Group K \$72,146

Governor

2 New Sections; Allocation Methodology; Matrix; Decision Rules. Amend RSA 94 by inserting after section 2-a the following new sections:

94:2-b Allocation Methodology. Each administrative head of any state agency or department shall determine the letter grade for upgrades, downgrades, vacancies, and new positions in his agency or department. The specific steps for such allocation shall be as follows:

I. For upgrades, downgrades, vacancies and new positions, he shall establish the job profile, which is the need for the position to include specific responsibilities.

II. This job profile shall be compared to the definitions and responsibilities listed under RSA 94:2-c. The allocation decision shall then be made by selecting the appropriate responsibility level in the matrix.

III. After the allocation decision is made under paragraph II, the decision rules established in RSA 94:2-d shall be applied to ensure that the unclassified position is appropriately slotted.

IV. After the duties under paragraphs I, II and III have been accomplished, such administrative head shall submit the allocation decision to the advisory committee established in RSA 94:2-e for its review and recommendations.

94:2-c Unclassified Position Leveling Matrix; Responsibilities; Levels. The following responsibility levels shall apply to persons in the following letter grades:

I. For Group A:

(a) Organization: organizes and controls workflow within specialized unit.

(b) Decision making: limited decision making in area of resource allocation; decisions made require approval.

(c) Policy: supports senior positions or agency objectives, or both.

(d) Knowledge: knowledgeable in own discipline with broad work experience.

(e) Management: may have project management responsibility.

II. For Group B:

- (a) Organization: organizes, and controls or manages workflow in small unit.
- (b) Decision making: decisions have limited impact; major decisions require approval.
- (c) Policy: supports unit or agency objectives and/or accountable for unit work activity.
- (d) Knowledge: advanced knowledge in own discipline with solid work experience.
- (e) Management: may supervise staff in a small unit.

III. For Group C:

- (a) Organization: organizes, plans and manages work in a unit.
- (b) Decision making: decisions impact the unit and work produced; decisions made in context of bureau practice.
- (c) Policy: supports agency objectives.
- (d) Knowledge: seasoned knowledge with understanding of related areas.
- (e) Management: supervises staff or functional activity.

IV. For Group D:

- (a) Organization: manages a bureau, unit or highly specialized function.
- (b) Decision making: decisions generally made within context of policy, procedure, mission.
- (c) Policy: generally bureau impact; may recommend policy.
- (d) Knowledge: broad knowledge in own field.
- (e) Management: manages staff or functional activity.

V. For Group E:

- (a) Organization: manages an agency, bureau or specialized work unit.
- (b) Decision making: decisions generally impact the bureau.
- (c) Policy: generally bureau impact; establishes plans and directions.
- (d) Knowledge: Specialized knowledge in own field.
- (e) Management: responsible for bureau or unit resource allocation and staffing or functional activity.

VI. For Group F:

- (a) Organization: manages an agency, bureau or specialized function.
- (b) Decision making: decisions have impact beyond the bureau.
- (c) Policy: may recommend policy; works within established policy and procedure.
- (d) Knowledge: expert knowledge in own field.
- (e) Management: responsible for staffing and resource allocation; major decisions are reviewed.

VII. For Group G:

- (a) Organization: manages an agency, significant bureau or highly specialized function.
- (b) Decision making: decisions may have state-wide impact, but generally focus on a specific discipline.
- (c) Policy: impact on agency; establishes plans and directions.
- (d) Knowledge: expert knowledge; may require proficiency in a number of fields.
- (e) Management: responsible for staffing and resource allocation in accordance with agency policy.

VIII. For Group H:

(a) Organization: senior position responsible for a significant agency or a major segment of a group I agency.

(b) Decision making: decisions are made within context of mission, and overall plans affecting the state.

(c) Policy: major impact on agency; establishes plans and directions.

(d) Knowledge: authoritative source of knowledge.

(e) Management: responsible for staffing and resource allocation in agency.

IX. For group I: Senior position responsible for specified agencies.

94:2-d General Decision Making Rules. The following decision rules shall be applied when categorizing unclassified positions under RSA 94:2-b and 94:2-c:

I. Generally, the most senior position in an agency or bureau shall be in the highest letter grade and no other positions shall be in this grade.

II. Two positions with the same responsibilities and job profile but different staffing, budget and resource allocation responsibilities may be in different letter grades.

III. Positions with varying degrees of responsibility for policy implementation and operational activities shall be allocated based on the responsibilities most frequently performed.

IV. Positions with letter grades G, H, and I will generally be limited to positions ultimately responsible to the governor and the legislature for the conduct of the agency. Such positions may include agency heads, deputies, and executive directors.

V. The final letter grade for positions in levels C, D, and E should be reviewed in terms of impact and relationship to classified positions if a similar classified position exists.

VI. Market considerations may be considered in determining the final allocation, but shall not be a major factor.

94:2-e Unclassified Allocation and Review Advisory Committee. An advisory committee on unclassified allocation and review is hereby established. The advisory committee shall consist of 7 members: 2 members appointed by the governor; 2 members of the house of representatives, one each from the appropriations committee and the executive departments and administration committee, appointed by the speaker of the house; 2 members of the senate one each from the finance committee and the executive departments committee, appointed by the president of the senate; and the commissioner of administrative services or his designee. The advisory committee shall review the allocation decision submitted by the administrative head of any state agency or department in accordance with RSA 94:2-b, IV and shall submit its recommendations to the fiscal committee, established under RSA 14:30-a. The term of office for the legislative members of the advisory committee shall be co-terminous with their legislative terms of office. The term of office for the member appointed by the governor shall be 3 years and until a successor is appointed and qualified. A vacancy shall be filled in the same manner, but only for the unexpired term. Each member of the advisory committee shall be reimbursed for necessary travel and other necessary expenses when attending to the duties of the committee.

3 New Paragraph; Duties Added. Amend RSA 14:30-a by inserting after paragraph III the following new paragraph:

IV. The fiscal committee shall consider recommendations proposed to it by the unclassified allocation and review advisory committee established under RSA 94:2-e and shall set a temporary letter grade allocation for each position referred. The fiscal

committee shall propose legislation recommending permanent salary levels for each position for introduction in the next regular session of the general court.

4 Appropriation. The sum of \$40,000 for the fiscal year ending June 30, 1990, is hereby appropriated to the division of personnel, department of administrative services, for the purpose of paying the remainder of the consultant fee for the consultant hired pursuant to the task force established under 1986, 12:2. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Repeals. The following are repealed:

I. RSA 94:1-a, III, relative to salary differential.

II. RSA 94:1-a, III-a, relative to the salary of the chairman, state liquor commission.

III. RSA 94:2, relative to adjustment of salaries.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill implements certain recommendations of the personnel system task force, established under 1986, 12:2, relative to the unclassified system. The bill consolidates the unclassified groups under current law into fewer groups with various steps.

The bill also establishes a system to be used by agency and department heads in determining the grade and step level for vacated or created positions. This system is comprised of a matrix outlining the duties and responsibilities of the positions and general decision-making rules.

The bill requires the administrative head of a state agency or department to submit his allocation decision relative to upgrades, downgrades, vacancies, or new position to the advisory committee established under this bill. The advisory committee shall submit its recommendation to the fiscal committee, which shall recommend permanent salary levels to the general court during the next regular legislative session.

The bill increases the salaries of the governor, secretary of state, state treasurer, state archivist, assistant secretary of state and bank commissioner.

The bill makes an appropriation for the purpose of paying the remainder of the consultant fee hired pursuant to the task force established under 1986, 12:2.

Amendment adopted.

Referred to Appropriations.

COMMITTEE REPORTS

Consent Calendar

Rep. Phelps moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 574-FN, relative to licensure of mental health professionals, was removed at the request of Rep. Katherine Wheeler.

Adopted.

HB 266-FN, requiring employers to offer health insurance benefits to part-time employees. Re-Refer to Committee.

The Committee felt that HB 266 raised a number of issues of concern regarding affordable access to health insurance for part-time workers. In light of the rapidly expanding contingent work force in New Hampshire the majority of the Committee

recognized the need to spend some additional time exploring this issue as well as peripheral issues such as recent changes in the IRS laws. Vote 13-2. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

HB 370-FN, relative to collision coverage deductibles. Ought to Pass with Amendment.

The Committee unanimously supports this consumer legislation. All testimony supported the bill. The amendment clarifies the language to specify the conditions under which a collision coverage deductible shall not apply. Simply put, if a vehicle covered for physical damage insurance (collision coverage) is damaged by an uninsured motorist who has been positively identified, then the owner of that insured vehicle will not be subject to a deductible for that damage. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Conditions Under Which Collision Coverage Deductible Shall Not Apply. Amend RSA 417-A by inserting after section 10 the following new section:

417-A:11 Conditions Under Which Collision Coverage Deductible Shall Not Apply. When an automobile insurance policy contains coverage for physical damage by reason of collision, any deductible amount of such coverage shall not apply if the damage is caused by an uninsured motor vehicle, including a motor vehicle which is uninsured within the definition of RSA 259:117, and the operator of the uninsured vehicle has been positively identified and is solely at fault.

HB 713-FN, relative to establishment of mutual insurance companies by municipalities. Inexpedient to Legislate.

The Committee agreed that the subject of this bill is appropriate, if a municipality wanted to establish an insurance company and received amendment information from the Insurance Department for the proper regulation. However, upon further consideration, it was felt highly unlikely that any municipality would come up with the capital reserves necessary and want to do so. Also, at this time, anyone complying with Insurance Department regulations can start an insurance company. Thus, the decision was not to add unneeded laws. Vote 15-1. Rep. Patricia H. Foss for Commerce, Small Business and Consumer Affairs.

HB 567-FN, relative to expenditure of excess moneys by school districts. Re-Refer to Committee.

Since this bill could potentially pose a unique situation of a negative nature to cooperative school districts, the Committee feels this bill should be re-referred and the subject matter will be studied during the cooperative school district study committee proceedings. Vote 17-0. Rep. Douglas A. Lachance for Education.

HB 763, authorizing the Salem school district to establish a debt retirement fund. Ought to Pass with Amendment.

This bill creates a debt retirement fund created by the proceeds from the sale of school property to be used to pay off indebtedness incurred as a result of the construction of and additions to school buildings. The amendment includes the Derry school district and adds renovations to school buildings. Vote 17-0. Rep. Gertrude B. Pearson for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
authorizing the Salem and Derry school districts
to establish a debt retirement fund.

Amend the bill by replacing section 1 with the following:

1 Debt Retirement Fund Authorized. Notwithstanding the provisions of RSA 33:2, the Salem and Derry school districts are each authorized to create a debt retirement fund for the purpose of satisfying any indebtedness incurred as a result of the construction of school buildings, including purchase of sites, and by additions to and renovations of school buildings. Such debt retirement funds shall be funded with the proceeds derived from the sale of any Salem or Derry school district property.

AMENDED ANALYSIS

This bill authorizes the Salem and Derry school districts to create debt retirement funds to be used to pay off indebtedness incurred as a result of the construction and renovation of and additions to school buildings. The funds are to be funded by proceeds from the sale of school property.

HB 289, relative to stumps, leaves, and yard waste. Ought to Pass with Amendment.

Composting and chipping of yard waste is an economical and environmentally sound solution to disposing of waste that adds bulk to landfills. The Department of Transportation is required to use the concept of composting if there is a surplus in the towns or districts. Vote 16-1. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Compost Defined. Amend RSA 149-M:1 by inserting after paragraph IV the following new paragraph:

IV-a. "Compost" for the purposes of this chapter, means plant debris from yard waste including tree, shrub, and grass clippings which is arranged in a way that encourages rapid conversion, decay, and decomposition by alternating layers of the plant debris with animal manure and soil or layers of plant debris with layers of chemical fertilizer and soil. Compost is a stable, soil-like substance which can be beneficially used and which must be of the quality to be easily and safely handled, stored and applied to the land.

3 New Paragraph; Wood Chips Defined. Amend RSA 149-M:1 by inserting after paragraph XXIV the following new paragraph:

XXV. "Wood chips" for the purposes of this chapter, means the product resulting from chipping tree stumps, limbs, and slash into small particles for further utilization.

4 New Paragraph; Town Responsibility. Amend RSA 149-M:13 by inserting after paragraph VI the following new paragraph:

VII. Towns and counties are authorized and encouraged to create and use compost and wood chips in parks and highways and to sell or freely distribute municipally created compost and wood chips to its citizens. The department of transportation shall

utilize available compost and wood chips in its course of operations as a matter of general policy and may chip stumps, leaves, and yard waste collected for municipal disposal.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 431, relative to the regulation of excavation and mining. Inexpedient to Legislate.

The Committee supports many of the principles stated in this bill. However, it had time to incorporate these principles in SB 67. This approach increases the possibility of obtaining agreement between the House, Senate and the Executive. Vote 16-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 465, changing the name of the solid waste management council. Ought to Pass with Amendment.

This changes the name of the Solid Waste Management Council to the Waste Management Council. This change was necessary because the Council does handle some hazardous waste complaints. Vote 15-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing all after section 2 with the following:

3 Hazardous Waste Added. Amend RSA 21-0:9, I(f) to read as follows:

(f) A representative of the private [solid] waste management industries;

4 Hazardous Waste Added. Amend RSA 21-0:9, IV, V and VI to read as follows:

IV. The council shall consult with and advise the director of the division of waste management with respect to the policy, programs, goals and operations of the division, regarding its solid *and hazardous* waste management functions and responsibilities [only], with particular emphasis on long-range planning for the division regarding solid *and hazardous* waste management [only] and on education of the public relative to the functions of the division regarding solid *and hazardous* waste management [only], on a continuing basis. In order to accomplish said purposes, the council shall meet with the director not less frequently than quarterly, or at the call of the chairman or 3 council members. The council shall file annually a report of its deliberations and recommendations with the commissioner of the department of environmental services and the governor and council.

V. The solid waste management council shall hear and decide all appeals from department decisions relative to the functions and responsibilities of the division of [solid] waste management regarding solid *and hazardous* waste management [only], in accordance with RSA 21-O:14.

VI. The director of waste management shall present all proposed rules regarding solid *and hazardous* waste management [only] to the solid waste management council for consideration prior to filing a proposed rule under RSA 541-A:3-a. The council shall present any objections to proposed rules to the director of waste management in writing within 15 days. The director of waste management may adopt a rule to which the council has objected only after presenting a written reply to the council detailing his reasons for adopting the rule over the objections of the council.

5 Appeals; Hazardous Waste. Amend RSA 147-A:13, I to read as follows:

I. Issuing an order directing the operator of a hazardous waste facility or the custodian of waste constituting a hazard to take necessary steps to eliminate the hazard. The division of waste management may order the permanent or temporary cessa-

tion of operations at a facility. Orders of the division of waste management issued under this section shall be effective immediately. Any person to whom an order is directed shall immediately comply, but may appeal the order to the [commissioner] *waste management council* in accordance with the provisions of this chapter.

6 Appeals; Hazardous Waste. Amend RSA 147-A:15 to read as follows:

147-A:15 Appeals.

I. Any person aggrieved by an action of the division of waste management may appeal to the [commissioner of environmental services] *waste management council established under RSA 21-O:9* for review of:

(a) A decision of the division of waste management to grant, deny, modify, suspend or revoke an operator or transporter permit; or

(b) An order issued by the division of waste management relative to this chapter.

II. The [commissioner] *waste management council* may affirm, deny or modify the decision or order of the division of waste management. The [commissioner] *council* shall [adopt rules, pursuant to RSA 541-A, relative to procedures for the appeal process provided under this paragraph] *conduct its appeals in accordance with rules adopted under RSA 21-O:14*.

III. Rehearings and appeals from a decision of the [commissioner] *council* shall be in accordance with RSA 541.

7 Rehearing; Hazardous Waste. Amend RSA 147-C:7 to read as follows:

147-C:7 Rehearing.

I. If the division of waste management issues a permit to a facility which, in the judgment of the committee, does not adequately protect the health and safety of the residents of the town, the committee may appeal to the [commissioner of environmental services] *waste management council established under RSA 21-O:9* for review in accordance with rules adopted by the [commissioner] *council* under RSA 147-A:15.

II. A petition for review shall specify the contested issues.

II. Such an appeal shall take precedence over other time schedules in rules adopted by the division of waste management.

III. The [commissioner of environmental services] *waste management council* shall provide for a rehearing upon the issues specified by the committee. The rehearing shall take place within 30 days of the committee's request for a rehearing.

IV. The [commissioner] *council* shall issue a decision within 15 days of the rehearing.

8 Name Change. Amend RSA 149-M:9 to read as follows:

149-M:9 Appeals. Administrative appeals from decisions of the director made under the provisions of this chapter shall be heard by the [solid] waste management council under RSA 21-O:9, V.

9 Name Change. Amend RSA 149-M:12, I, I-a and I-b to read as follows:

I. The division of waste management may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may appeal to the [solid] waste management council.

I-a. If the division of waste management finds that an emergency exists requiring immediate action to protect the public health, it may issue an order stating that an emergency exists and requiring that such action be taken as it judges necessary to meet the emergency. The order shall be effective immediately. Any person to whom

such an order is directed shall comply immediately, but may appeal to the [solid] waste management council.

I-b. Notwithstanding the provisions of RSA 149-M:15 and 149-M:16, upon receipt of information by the division of waste management that a municipality has not complied with RSA 149-M:13, I relative to septage disposal, the division of waste management may issue an order directing said municipality to provide or assure access to an approved septage disposal facility not later than 180 calendar days following issuance of the order. Any municipality to whom such an order is directed may appeal to the [solid] waste management council.

10 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the name of the solid waste management council to the waste management council.

The bill provides that appeals from decisions of the division of waste management shall be heard by the waste management council.

HB 514, regarding notice provisions for additives applied to fresh produce. Refer to Committee.

This bill prohibits the spraying of sulfates and sulfides on fresh produce. These substances adversely affect people with asthma, sometimes causing severe, near fatal reactions. Grocery stores and restaurants which sell or use waxed produce, or produce sprayed with these substances must post notices to warn consumers of the presence of these substances. The bill, however, in the current form does not provide the maximum amount of protection possible for the public. The Committee feels with more time it can draft a bill which addresses more fully this problem. Vote 17-0. Rep. Rick A. Trombly for Environment and Agriculture.

HB 534-FN, relative to bottled water. Ought to Pass with Amendment.

The Committee believes that the bottled water sold in New Hampshire should be properly labeled and tested for purity. This bill assures that. Vote 15-0. Rep. A. Gibb Dodge for Environment and Agriculture.

Amendment

Amend RSA 148-C:1 as inserted by section 1 of the bill by replacing it with the following:

I. "Approved source" means the source of any bottled water, including, but not limited to, a spring, artesian well, spa, geyser, drilled well or public water supply, which has been inspected and approved by the division of water supply and pollution control.

II. "Artesian well water" means bottled natural water obtained from a well tapping, an artesian aquifer in which the level of the water is above the bottom of the confining bed of the aquifer and in which the hydraulic pressure of the water in the aquifer is greater than the atmospheric pressure.

III. "Bottled water", or any term of similar import, means water obtained from an approved source which is packaged in a sealed container for sale or distribution. "Bottled water" shall not include soft drinks, club soda or seltzer or other beverages commonly recognized as soft drinks and labeled with a common or usual name other than those specified in this chapter.

IV. "Bottler" means any person, firm or corporation engaging in the business bottling water for sale or distribution.

V. "Director" means the director of the division of public health services, department of health and human services.

VI. "Distilled water" means water which has been rendered mineral free and produced by a process of distillation.

VII. "Division" means the division of public health services, department of health and human services.

VIII. "Drinking water" means bottled water from any source which has been distilled, fluoridated or purified or which has been disinfected by a process of ozonation and filtration or a substantially similar disinfection process.

IX. "Flavored bottled water" means a bottled water, as defined in RSA 148-C:1, III, with natural or added carbonation, which may be prepared with added natural flavors, extracts, essences, or fruit juice concentrates derived from a spice or fruit and comprising less than 1 percent by weight of the final product. This definition shall not include any product which contains sweeteners or additives other than those designated in this paragraph including carbon dioxide.

X. "Fluoridated water" means bottled water which contains fluoride ions in an amount not less than .8 of one milligram per liter and not more than 1.2 milligrams per liter or such alternative concentration limit as the division may determine by rule.

XI. "Mineral water" means natural water which contains not less than 500 parts per million total dissolved solids and has no additives.

XII. "Mineralized water" means natural water to which minerals have been added to contain not less than 500 parts per million total dissolved solids.

XIII. "Natural water" means bottled spring water, artesian well water or drilled well water, which has been obtained from any approved source other than a public water supply and which has not been modified by blending with water of another classification or by the addition or deletion of any mineral other than any addition or deletion which may occur as a result of ozonation, filtration or any other substantially similar disinfection process.

XIV. "Principal display panel" means the portion of a label on any container or package which is most likely to be displayed, presented or examined under normal and customary conditions of display and purchase of bottled water.

XV. "Public water supply" means any individual, partnership, association, corporation, municipality or other entity, or their lessees, which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system for the purpose of supplying water by service connections or pipe distribution systems to 2 or more hotels, motels, boardinghouses, apartment, stores, office buildings, institutions, mechanical or manufacturing establishments or other places of business or industry to which water is supplied by a water company or to 25 or more persons on a regular basis.

XVI. "Purified water" means bottled water which is rendered mineral free produced by distillation, deionization, reverse osmosis or any other suitable process and which meets standards established for purified water in the latest edition of the United States Pharmacopeia.

XVII. "Spring water" means natural water obtained from an underground aquifer from which water flows naturally to the surface of the earth.

XVIII. "Well water" means natural water obtained from a hole bored, drilled or otherwise constructed in the ground, which taps the water of an aquifer.

Amend RSA 148-C:3 as inserted by section I of the bill by replacing it with the following:

148-C:3 Source Testing and Analysis for Contaminants.

I. The bottler shall train its employees and shall require such employees to be registered with the division. The trained employees shall collect samples of water from each source used by the bottler for testing by the division for bacterial and chemical contaminants for which maximum levels have been established in accordance with rules adopted pursuant to RSA 148-B concerning safe drinking water, for radio active contamination under radionuclii standards established by the Environmental Protection Agency and for contaminants for which monitoring is required, but for which no maximum level has been established. Trained employees of a laboratory approved by the division shall analyze the samples to determine whether such source complies with the required standard or any rule adopted pursuant to RSA 148-B, of the Environmental Protection Agency, or any maximum contaminant level set forth in rules adopted concerning public drinking water. The tests shall occur so frequently as follows:

(a) Microbiological source analysis shall be conducted weekly if the source of such water is other than a public water supply and shall be in addition to any sampling and analysis conducted by any government agency or laboratory.

(b) Chemical source testing shall be conducted annually.

(c) Radiological source testing shall be conducted annually.

II. In addition, trained employees of a bottler shall collect samples of water from any source used by such bottler when the bottler knows or has reason to believe that water obtained from such source contains an unregulated contaminant in an amount which may adversely affect the health or welfare of the public.

Amend RSA 148-C:4 as inserted by section I of the bill by replacing it with the following:

148-C:4 Bottled Sample Analysis. Analysis of representative samples of bottled water shall be made to determine compliance with microbiological, chemical, radiological, inorganic, organic, or other standards set forth in rules of the division. Each bottler shall:

I. Collect, on a weekly basis, a representative sample from a batch or segment of continuous production of each type of water sold by such bottler in this state, and have such sample analyzed by a laboratory approved by the division to determine whether such sample complies with the microbiological, inorganic, organic and physical standards set forth in rules adopted by the division.

II. Collect, not less than once annually, a representative sample from a batch or segment of a continuous production of each type of bottled water sold by such bottler in this state, and have such sample analyzed by a laboratory approved by the division to determine whether such sample complies with the microbiological, inorganic, organic and physical standards set forth in rules adopted by the director.

III. Each sample collected in compliance with this section shall be obtained from the bottled product.

Amend RSA 148-C:5, III and IV as inserted by section I of the bill by replacing them with the following:

III. A bottler shall orally report to the division any result which indicates that a water sample contains contaminants in an amount exceeding any standard within 24 hours of learning of such result and shall file a written report within 3 days of learning such result.

IV. All records of any sampling or analysis conducted in accordance with this chapter shall be maintained on the premises of the bottler for not less than 2 years and shall be available as a public record.

Amend RSA 148-C:6, I as inserted by section 1 of the bill by replacing it with the following:

I. A bottler may use external force to collect natural water, provided such force does not alter the composition and quality of such water.

Amend RSA 148-C:9 as inserted by section 1 of the bill by replacing it with the following:

148-C:9 Water Classifications; Labeling.

I. Mineral water may be labeled "mineral water" or "natural mineral water".

II. Mineral water to which minerals have been added shall be labeled "mineralized water" or "natural mineralized water".

III. Spring water may be labeled "spring water" or "natural spring water".

IV. Well water may be labeled "well water" or "natural well water".

V. Artesian well water may be labeled "artesian well water", "natural artesian well water", "well water" or "natural well water".

VI. Drinking water may be labeled "drinking water".

VII. Purified water shall be labeled "purified water" or "purified water-mineral free" and the method used to purify such water shall be stated on the label, provided purified water produced by distillation may be labeled "distilled water" or "distilled water-mineral free".

VIII. Bottled water which contains carbon dioxide when such water emerges from the source and which is bottled with such carbon dioxide, or from which such carbon dioxide is mechanically separated and later reintroduced in an amount not greater than that which occurred naturally in the water, may be labeled "naturally carbonated" or "naturally sparkling".

IX. Bottled water which contains carbon dioxide other than that which occurred naturally in the source of the product shall be labeled "carbonated" or "sparkling".

X. Any bottler, seller or distributor of bottled water whose corporate name, brand name or trademark contains the words "spring", "well", "artesian well", "mineral" or "natural" or any derivative of any such word shall label each bottle with the source of the water or sources if blended water, in typeface which is at least equal in size to the typeface of the corporate name or trademark, if the bottled water was obtained from a source which is different from the source stated in the corporate name, brand name or trademark.

XI. A label which identifies any bottled water which is not spring water as defined in this chapter shall not bear the words "spring", "spring fresh", "spring brand", "spring type" or any term of similar import.

XII. The label of any bottled water which meets the requirements of more than one classification of bottled water may bear any such applicable classification to identify or describe such water. However, water of one classification and labeled accordingly shall not be blended with water that is not bottled water or that is of another classification.

XIII. Blended natural water shall state the different sources of water.

XIV. Flavored bottled water shall state the added natural flavors, extracts, essences, or fruit juice concentrate and the common or usual name of the characterizing flavor. The product may be designated "natural" only if it meets the requirements of natural flavor and natural water, as defined in RSA 148-C:1, XIII.

Amend RSA 148-C:11 as inserted by section 1 of the bill by replacing it with the following:

148-C:11 Rulemaking Authority. The director of the division shall adopt rules, pursuant to RSA 541-A, relative to the administration and enforcement of this chapter.

AMENDED ANALYSIS

This bill requires bottled water sold in this state to be labeled and classified by source, mineral content, carbonation and chemical content. It requires testing and reporting for chemical content and purity. The division of public health services shall administer this chapter.

HB 538-FN, relative to mining. Inexpedient to Legislate.

The Committee supports the principles stated in this bill. However it had time to incorporate these principles in SB 67. This approach increases the possibility of obtaining agreement between the House, Senate and the Executive. Vote 16-0. Rep. John L. Sherburne for Environment and Agriculture.

HB 605, relative to a recycling logo. Ought to Pass with Amendment.

This bill authorizes the Commissioner of Environmental Services to regulate use of the international three-arrow recycling emblem on recycled or recyclable products sold in the state. Vote 17-0. Rep. Douglass P. Teschner for Environment and Agriculture.

Amendment

Amend RSA 149-N:4 as inserted by section 1 of the bill by replacing it with the following:

149-N:4 Rulemaking Authority

I. The commissioner of environmental services shall adopt rules, under RSA 541-A, which establish:

(a) Standards to be met to qualify products as composed of recycled or recyclable materials.

(b) Requirements to be met for display of the logo on products.

II. The standards and requirements adopted under this section shall coordinate with those of the Northeast Recycling Council of the Council of State Governments, and coordinate with those standards and requirements developed by all the northeastern states, when possible.

HB 627-FN, regarding beverage container redemption and recycling. Inexpedient to Legislate.

The Committee has chosen HB 746 as the vehicle for incorporation of the best features of this bill. Vote 15-0. Rep. George T. Musler for Environment and Agriculture.

HB 657-FN, excepting certain landfills and other waste facilities from local junk yard regulation. Ought to Pass with Amendment.

The bill, as amended, removes the regulation of solid waste and public and private facilities as "junkyards." These facilities are currently adequately regulated by RSA 149-M which provides for the state, municipal and citizen input as to the siting of these facilities. The Attorney General's Office and the Department of Transportation support this bill. Vote 17-0. Rep. Rick A. Trombly for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Exceptions. Amend RSA 236 by inserting after section III the following new section:

236: III-a Exception. The provisions of this subdivision shall not apply to any facility, including a public facility, private facility or solid waste facility, which has been approved under RSA 149-M, including any such facility approved prior to the effective date of this section.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill excepts all waste facilities which have been approved by the department of environmental services, pursuant to RSA 149-M, from the provisions regulating certain junk yards.

HB 680-FN, relative to recycling bottom ash. Ought to Pass with Amendment.

This bill, as amended, directs the Department of Environmental Services to issue recommendations regarding the safety and potential uses for recycled bottom ash from waste and energy facilities. Vote 15-0. Rep. Douglass P. Teschner for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to review of studies on recycling uses for bottom ash.

Amend the bill by replacing all after the enacting clause with the following:

1 Recycling Bottom Ash; Report. The department of environmental services shall issue a report and recommendations regarding the technology of recycling bottom ash and possible state uses of recycled bottom ash from waste to energy facilities. The department shall review existing studies, including the University of New Hampshire's recycling research, and shall consult with the university regarding its recommendations. The department shall issue its report and recommendations to the legislature by January 1, 1991. The report shall include a recommendation as to the acceptability of bottom ash as an environmentally safe product in recycled form, a list of proposed state uses including use as aggregate for construction, and specific methodologies including retrofitting of existing facilities for generation of recyclable products, including metals. If feasible, the report shall recommend technical standards and procedures for new facility construction which shall facilitate and implement recycling of bottom ash. The department shall not examine studies of presently operating waste to energy incineration facilities.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill directs the department of environmental services to review existing studies and issue a report and recommendations regarding recycling uses for bottom ash. The report shall include information on the safety and feasibility of utilizing bottom ash for aggregate for construction or other usable products. The report shall list other proposed state uses and methodologies including retrofitting of existing facilities, if necessary.

Existing incinerator facilities are excluded.

HB 689-FN, regarding air emission ash from waste and energy facilities. Inexpedient to Legislate.

This bill is unnecessary. Legislation passed last year enables the Air Resources Division, Department of Environmental Services, to do this. The equipment has been purchased and Air Resources is to obtain a trailer to house the equipment so that air monitoring can be commenced. Vote 16-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 723-FN, regarding the acid rain control act. Re-Refer to Committee.

Because the Environmental Protection Agency is planning to establish guidelines within the next month, the Committee would like to Re-refer the bill to review these recommendations. Vote 15-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

HB 733-FN, relative to solid waste reduction. Inexpedient to Legislate.

The Committee has chosen HB 746 as the vehicle for incorporation of the best features of this bill. Vote 15-0. Rep. George T. Musler for Environment and Agriculture.

HB 746-FN, regarding waste reduction and recycling and imposing a disposal fee on certain containers and products. Re-Refer to Committee.

The bill was re-referred to allow the Committee more time to digest and analyze the issues. It is the Committee's intent to use this bill as a vehicle to incorporate the best features of the four related bills (HBs 627, 733, 747, and this bill) plus any new ideas that emerge. Vote 15-0. Rep. Douglass P. Teschner for Environment and Agriculture.

HB 747-FN, relative to a returnable beverage container system. Inexpedient to Legislate.

The Committee has chosen HB 746 as the vehicle for incorporation of the best features of this bill. Vote 15-0. Rep. George T. Musler for Environment and Agriculture.

HB 54, adding a member to water well board. Ought to Pass.

This bill adds one technical driller to the Water Well Board, bringing the total to seven members. The profession also called geotechnical drilling is presently regulated and licensed by the Board, but has not had representation on the Board until this time. Vote 11-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

HB 93-FN, relative to the board of nursing. Ought to Pass with Amendment.

This bill defines certified nursing assistants and provides for their licensing. This bill is necessary to bring New Hampshire into compliance with federal law as defined in P.L. 100-203 - Laws of the 100th Congress. With more than \$50 million dollars of Medicaid at stake, the Committee felt it was imperative to approve this. Vote 17-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend RSA 326-B:4-a, XIII as inserted by section 3 of the bill by replacing it with the following:

XIII. Establishing standards for a basic assistant to nurses education, *practice*, *certification*, and recertification program and the issuance of evidence indicating satisfactory completion of such a program, including, but not limited to:

- (a) Applicant qualifications.
- (b) Application procedures.
- (c) Content of the training program.
- (d) Duration of the training program.
- (e) Examination.
- (f) Passing grade.
- (g) Approval of instructors for training programs.
- (h) Scope of practice.*
- (i) Disciplinary procedures.*

Amend the bill by deleting section 10 and renumbering section 11 to read as 10.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor. Ought to Pass with Amendment.

The Committee considered the licensure aspects of HB 371 with amendment, and found all aspects to be appropriate. The Board of Registration in Medicine is in favor. Vote 14-0. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend RSA 326-E:3, IX as inserted by section 2 of the bill by replacing it with the following:

IX. Any other matter which is consistent with the legislative intent of this chapter and which is necessary to the administration of this chapter.

Referred to Appropriations.

HB 376-FN, licensing physician assistants. Ought to Pass.

The Committee considered the licensure aspects of HB 376 which was passed by the House with an amendment printed in the House Record of March 3, 1989 under a report from the Committee on Health, Human Services and Elderly Affairs. The Committee finds all aspects of licensure in HB 376 as amended, including the rule-making provision and the composition of the Board to be appropriate. Testimony was heard by the Executive Departments and Administration Committee from the Board of Registration in Medicine in support of the original version of the bill with regard to prescriptive privileges. The Committee deemed that testimony as falling outside the purview of its deliberations as the Committee deals with licensure only. The sponsor indicated that he would present the issue of prescriptive practice with the appropriate Senate policy Committee when that body considers this bill. Fiscal Note calls for state expenditures of \$1,200 in FY90 and \$2,400 in FY91. Vote 14-0. Rep. Wayne M. Burton for Executive Departments and Administration.

Referred to Appropriations.

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators. Ought to Pass.

This bill changes the Nursing Home Administrator Licensing Laws to provide for payment of Board members and rulemaking authority for the Board. It also sets a

minimum qualification of Bachelor Degree for a nursing home administrator. The bill also grants the Board the authority to levy fines or place conditions on licenses as disciplinary sanctions. Vote 14-0. Rep. Randall F. Shaw for Executive Departments and Administration.

Referred to Appropriations.

HB 428, regarding the licensing of morticians. Ought to Pass with Amendment.

This bill allows the Board of Registration of Funeral Directors to license out-of-state residents who move into New Hampshire. They must meet the requirements set forth. The amendment clears up dates and grammatical problems. Vote 17-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
regarding the licensing of funeral directors.

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Corporate Funeral Director. Amend RSA 325:1 by inserting after paragraph VII the following new paragraph:

VIII. "Associate funeral director" means an individual who is duly licensed, by passage of a written examination, in another state and who has either secured potential employment as a funeral director or has committed to the purchase of an existing funeral home in this state upon licensure.

Amend the bill by replacing section 3 with the following:

3 Alternatives to the Board's Examinations. Amend RSA 325:19 to read as follows:

325:19 [In Lieu of] *Alternatives to the Board's Examination*. The board shall have the power, in its discretion, to accept in lieu of an examination *documentation that an applicant has been practicing for 10 or more consecutive years in another state prior to filing an application to practice in New Hampshire and:*

I. A duly authenticated statement of a national board of examiners, or of a board duly approved by the Conference of Embalmers' Examining Boards of the United States, Inc., certifying the successful passage of an examination conducted by said board or boards; or

II. Completion of a course of instruction at an embalming school taken prior to 1975, including passage of a written examination administered by another state, and licensure as evidence of practice in such other state from the time of original licensure to the date of application to practice in New Hampshire.

Amend RSA 325:22, II as inserted by section 4 of the bill by replacing it with the following:

II. The applicant shall be subject to a 6-month apprenticeship during which time 25 solo case reports of funeral directing and embalming solely conducted by the applicant shall be submitted to the board.

Amend RSA 325:22, V as inserted by section 4 of the bill by replacing it with the following:

V. The applicant shall be subject to review by the board on a yearly basis for the first 3 years of associate licensure. Upon approval he shall be eligible for permanent licensure upon application and payment of fees.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

HB 738-FN, relative to hearings under the bail laws. Ought to Pass with Amendment.

The bill, as amended, repeals the current bail statutes enacted in 1988 and replaces them with the previous bail law. After a year of chaos under the 1988 act, the Committee feels that the former bail statutes better served the people of New Hampshire. Vote 10-2. Rep. Thomas U. Gage for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to bail.

Amend the bill by replacing all after the enacting clause with the following:

1 Bail; When Allowed. RSA 597:1 is repealed and reenacted to read as follows:

597:1 When Allowed. Except for offenses punishable by death or for murder in the first degree where the proof is evident or the presumption is great, all persons arrested for a crime shall, before conviction, be released on personal recognizance or be bailable by sufficient sureties, whichever justice may require.

2 Bail Pending Appeal. RSA 597:1-a is repealed and reenacted to read as follows:

597:1-a Bail Pending Appeal.

I. After conviction for an offense punishable by death or by term of life imprisonment without possibility of parole, a defendant shall not be allowed bail.

II. Except as provided in paragraph I, any person appealing a conviction may be released pending an appeal on personal recognizance or be bailable by sufficient sureties as the court may require. The court shall consider, but not be limited to, the following criteria in determining whether bail is proper under the circumstances:

(a) Whether the person is likely to pose a danger to any other person or the community, intimidate witnesses, or otherwise interfere with the administration of justice.

(b) Whether there is a substantial risk that the person will not appear to answer the judgment following the conclusion of the appellate proceeding.

(c) Whether the appeal is frivolous or taken merely for delay.

(d) The nature of the crime charged.

(e) The length of the sentence imposed.

III. In any case where released is denied pending appeal, the presiding justice shall provide for the record the reasons for such denial.

3 New Section; Probationers and Parolees Excepted. Amend RSA 597 by inserting after section 1-b the following new section:

597:1-c Probationers and Parolees Excepted. Notwithstanding the provisions of RSA 597:1 and 597:1-a, a person serving a sentence of probation under RSA 651:2, V or a term of parole under RSA 651-A who is arrested on a new misdemeanor or felony charge shall not be eligible for bail for a period of 72 hours from the time of his arrest to permit the supervising probation officer or parole officer to review the facts and circumstances surrounding the arrest. Law enforcement agencies who arrest a known probationer or parolee shall make prompt, reasonable attempts to notify the supervising probation officer or parole officer of the arrest, and probationers and parolees who are arrested and fail to advise their supervising probation officer or

parole officer in accordance with the conditions of probation and parole may be subject to arrest and detention as probation and parole violators.

4 New Section; Ten Percent Bail Authorized. Amend RSA 597 by inserting after section 2-a the following new section:

597:2-b Ten Percent Bail Authorized. All courts are authorized to accept 10 percent of the amount required as bail to be held in escrow under procedures approved by the supreme court.

5 Appearance at Superior Court. RSA 597:6 is repealed and reenacted to read as follows:

597:6 Appearance at Superior Court. If the offense is bailable by the municipal or district court, the accused shall be ordered to recognize, with sufficient sureties in a reasonable amount, or personal recognizance, for his appearance at the superior court, at the next term thereof for the county at which a grand jury is required to attend, and to stand committed until the order is complied with.

6 Conditions for Release on Personal Recognizance. RSA 597:6-a is repealed and reenacted to read as follows:

597:6-a Conditions for Release on Personal Recognizance. Any person shall be eligible for, and in the case of misdemeanor, shall be entitled to, release on personal recognizance, upon satisfying the court or bail commissioner before whom he seeks release, of the following conditions:

I. That he is of such condition, both physical and mental, that his release will jeopardize neither himself nor the public.

II. That his employment, family ties, and residence within the state or other sufficient connection with the state make his failure to appear unlikely.

III. That he has not, prior to his application, failed to appear in any court when required to do so.

IV. That no other special circumstance exists creating a likelihood that he would fail to appear.

7 New Sections; Hearing Before a Justice; Petition to Superior Court. Amend RSA 597 by inserting after section 6-e the following new sections:

597:6-f Hearing Before a Justice. If a bail commissioner sets conditions on the release of an accused, the accused shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours. Sundays and holidays excepted.

597:6-g Petition to Superior Court to Review Bail. After bail has been fixed by a municipal or district court, by a justice or by a bail commissioner, any person charged with a criminal offense may petition the superior court to reduce bail or permit him to be released on personal recognizance, and the court may immediately act upon such petition.

8 Detention for Default or Breach of Conditions. RSA 597:7-a is repealed and reenacted to read as follows:

597:7-a Detention for Default or Breach of Conditions. A peace officer may detain an accused until he can be brought before a justice if he has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if he witnesses a breach of conditions of release. The accused shall be brought before a justice for a bail revocation hearing within 24 hours, Sundays and holidays excepted.

9 New Section; Failure to Appear; Punishment. Amend RSA 597 by inserting after section 14-b the following new section:

597:14-c Failure to Appear; Punishment. Any person charged with a crime punishable by imprisonment who, having been released on bail or his own recognizance,

wilfully fails to appear as required before the court of this state having jurisdiction shall be liable to a punishment of not more than 1/2 of that which may be inflicted for the commission of the crime in connection with which he has been held to bail, but not more than 5 years imprisonment. A sentence of imprisonment under this section shall not be concurrent with any other sentence then being served or thereafter imposed upon such person, unless expressly made so by the court imposing sentence. Neither the penalty provided by this section or any prosecution under this section shall interfere with or prevent the forfeiture of any bail or the exercise by the court of its power to punish for contempt, but this section shall be construed to provide an additional penalty for failure to appear.

10 Default. RSA 597:31 is repealed and reenacted to read as follows:

597:31 Default. If any party recognized to appear makes default, the recognizance shall be declared forfeited, and the county attorney shall cause proceedings to be had immediately for the recovery of such forfeiture.

11 Cross-Reference. Amend RSA 262:27, III to read as follows:

III. Upon the failure of any nonresident to comply with the terms of such a traffic citation, the court having jurisdiction shall issue a warrant for his arrest and he shall be subject to the penalty provisions of RSA [597:14-b] **597:14-a**. The court shall notify the department of the failure of the cited nonresident to appear. Said notification shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle.

12 Repeal. The following are repealed.

I. RSA 597:6-d, relative to release or detention of a material witness.

II. RSA 597:6-e, relative to review and appeal of a release or detention order.

III. RSA 597:14-b, relative to penalty for offense committed on release.

13 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the 1988 bail reform act and reinstates the bail laws in effect prior to January 1, 1989.

HB 752-FN, relative to domestic violence. Ought to Pass with Amendment.

The Committee feels that there are real problems with current "domestic violence" legislation which this bill corrects in large part. The bill broadens the group of people protected, adopts needed definitions, allows new forms of protective orders, and provides for mandatory arrests in abuse cases. The amendment clarifies sections of the proposed bill. Vote 19-0. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Abuse. Amend the introductory paragraph of RSA 173-B:1, I to read as follows:

I. "Abuse" means the occurrence of one or more of the following acts between family or household members *or current or former sexual or intimate partners*:

2 New Subparagraph; Definition; Abuse. Amend RSA 173-B:1, I(c) to read as follows:

(c) Attempting to or engaging in sexual penetration with another under any of the circumstances outlined in RSA 632-A:2 [.];

(d) The infliction of false imprisonment under RSA 633:3.

3 Correction: Definition: Family or Household Member. Amend RSA 173-B:1, II(a) to read as follows:

(a) Spouses, ex-spouses, persons [cohabitating] *cohabiting* with each other, persons who cohabited with each other but who no longer share the same residence; and

4 New Definition: Harassment. Amend RSA 173-B:1 by inserting after paragraph II the following new paragraph:

III. "Harassment" means:

(a) Making a telephone call without purpose of legitimate communication; or

(b) Insulting, taunting or challenging another in a manner likely to provoke violent or disorderly response; or

(c) Making repeated communications anonymously or at extremely inconvenient hours, or in offensively coarse language; or

(d) Subjecting another to an offensive touching; or

(e) Engaging in any other course of alarming conduct serving no legitimate purpose of the actor.

5 New Subparagraphs: Relief. Amend RSA 173-B:4, I(a) to read as follows:

(a) Protective orders:

(1) Directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff[: or].

(2) Enjoining the defendant from entering the premises wherein the plaintiff resides unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises[:].

(3) Enjoining the defendant from contacting the plaintiff at, or entering, plaintiff's place of employment or school.

(4) Enjoining the defendant from harassing, intimidating or threatening the plaintiff, plaintiff's relatives or household members in any way.

(5) Enjoining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest.

6 Relief: Visitation Rights. Amend RSA 173-B:4, I(b)(3) to read as follows:

(3) Establishing temporary visitation rights with regard to the parties' minor children. *The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children:*

7 Relief: Visitation Rights. Amend RSA 173-B:4, I(b)(6) to read as follows:

(6) Ordering the defendant to pay the [person abused] *plaintiff* monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical *and dental* expenses, [and] out-of-pocket losses for injuries sustained, moving [or] *and* shelter expenses, and reasonable attorney's fees.

8 Orders: Contempt Hearings. Amend RSA 173-B:4, IV to read as follows:

IV. Both parties shall be issued written copies of any orders issued by the court and all orders shall bear the following language: "A willful violation of this order is *a crime, as well as* contempt of court. *Violations shall result in arrest* and may result in imprisonment." *Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.*

9 New Paragraphs: Temporary Relief. Amend RSA 173-B:6, II and III to read as follows:

II. As a protective order, restraining the defendant from entering the residence where the plaintiff resides except when the defendant is accompanied by a peace officer and wishes to enter for the sole purpose of retrieving his personal property: [and]

III. [Upon actual notice] *As a protective order*, awarding custody of minor children to either party or, *upon actual notice*, to the division of welfare when in the best interest of a child[.];

IV. *As a protective order, restraining the defendant from contacting the plaintiff at, or entering, plaintiff's place of employment or school;*

V. *As a protective order, restraining the defendant from harassing, intimidating or threatening the plaintiff, plaintiff's relatives or household members in any way;*

VI. *As a protective order, restraining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest; and*

VII. *As a protective order, directing the defendant to temporarily relinquish to the peace officer any deadly weapons, as defined in RSA 625:II, V, in the control, ownership or possession of the defendant which may have been used, or threatened to be used, in an incident of abuse against the plaintiff or any member of plaintiff's household.*

10 Notification. Amend RSA 173-B:7 to read as follows:

173-B:7 Notification. A copy of any order made under this chapter which prohibits any person from abusing or interfering with the person or liberty of another or which affects either party's access to or possession of either party's residence shall be transmitted forthwith to the local law enforcement agency having jurisdiction to enforce said order. *Orders shall be promptly served on the defendant by a peace officer.* Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.

11 Violation of Protective Orders. RSA 173-B:8 is repealed and reenacted to read as follows:

173-B:8 Violation of Protective Orders.

I.(a) Irrespective of whether the plaintiff chooses to pursue the contempt remedies in paragraph II, when a defendant violates either a temporary or permanent protective order issued under this chapter by committing assault, criminal trespass, vandalism or another criminal act, peace officers shall arrest the defendant, detain the defendant pursuant to RSA 594:19-a and refer the defendant for prosecution. Such arrests may be made without a warrant upon probable cause whether or not the violation is committed in the presence of a police officer.

(b) Subsequent to an arrest, the peace officer shall seize any deadly weapons in the control, ownership or possession of the defendant which may have been used or threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the weapons until the court issues an order directing that the weapons be relinquished and specifying the person to whom the weapons shall be relinquished.

II.(a) Upon notice to the court by the plaintiff, someone designated by the plaintiff, or any peace officer alleging that the defendant has violated any protective order issued under this chapter, the court shall issue a summons to the defendant, requiring the defendant to appear within 14 days for a hearing on whether he should be found in

civil or criminal contempt of court and punished therefor. Any such hearing may be held by the court in any county or district in which the plaintiff or defendant temporarily or permanently resides at the time of the alleged violation.

(b) A hearing on a charge or allegation of criminal contempt shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing on other criminal charges preclude a hearing on a charge of criminal contempt.

12 Protection by Peace Officers. Amend RSA 173-B:9 to read as follows:

173-B:9 Protection by Peace Officers. Whenever any peace officer has reason to believe that a [family or household member has been abused] *person has been subject to abuse as defined in RSA 173-B:1, I*, that officer shall use all means within reason to prevent further abuse. *Pursuant to RSA 594:10 an arrest for abuse may be made without a warrant upon probable cause whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person whom the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved and any history of domestic abuse between these persons, if that history can reasonably be ascertained by the officer.*

13 Notice to Victim. Amend RSA 173-B:10 to read as follows:

173-B:10 Notice to Victim.

I. *Notwithstanding the peace officer's obligations in RSA 173-B:8*, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the [attacker] *abusive person* and to sign a criminal complaint at the police station.

II. It shall be the responsibility of the clerk of the court to advise victims that they may request that the judge issue an order:

(a) Restraining the [attacker] *abusive person* from abusing the victim;

(b) Directing the [attacker] *abusive person* to leave the household;

(c) Giving the victim custody of any minor children;

(d) Directing the [attacker] *abusive person* to support the victim and any minor children if the [attacker] *abusive person* has a legal responsibility to support either or both; [or]

(e) *Restraining the abusive person from harassing, intimidating or threatening the victim or victim's relatives or household members in any way;*

(f) *Restraining the abusive person from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest;*

(g) *Directing the abusive person to temporarily relinquish to the peace officer any deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household; or*

[(e)](h) Directing the [attacker] *abusive person* to pay the victim [for financial losses due to any injuries suffered due to the attack] *monetary compensation for losses suffered as a result of the abuse which may include, but may not be limited to, loss of earnings or support, medical or dental expenses, out-of-pocket losses for injuries sustained, moving and shelter expenses, and reasonable attorney's fees.*

14 Definition; Domestic Violence. RSA 173-B:12, IV is repealed and reenacted to read as follows:

IV. "Domestic violence" means abuse as defined in RSA 173-B:1, I.

15 Definition; Program. Amend RSA 173-B:12, VIII to read as follows:

VIII. "Program" means services or facilities provided to [family or household members who are victims of] domestic violence *victims*.

16 Duties of Coordinator. Amend RSA 173-B:18, X to read as follows:

X. To provide training for court advocates and social services agency advocates to accompany [the family or household member who is a victim of] domestic violence *victims*.

17 Criteria for Selection of Grantees. Amend RSA 173-B:19, I (i) to read as follows:

(i) Trained court advocates and social service agency advocates to accompany [the family or household member who is a victim of] domestic violence *victims*.

18 New Section; Severability. Amend RSA 173-B by inserting after section 23 the following new section:

173-B:24 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

19 Arrest Without a Warrant. Amend RSA 594:10, I(b) to read as follows:

(b) He has probable cause to believe that the person to be arrested has assaulted a [family or household member] *person eligible for protection from domestic violence as defined in* [RSA 173-B:1, II] *RSA 173-B:1* within the past 6 hours; or

20 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill expands the definition of abuse under the domestic violence laws. It allows the court to impose further forms of relief in protective orders that are available under the current domestic violence law. The bill also imposes a mandatory arrest for violation of a protective order.

HB 196-FN, relative to compensation for temporary partial disability under workers' compensation. Re-Refer to Committee.

Under an agreement, as outlined in the recommendation from the Workers' Compensation Advisory Council, which assumes no additional workers' compensation legislation involving cost to the employee or employee will be considered this session in recognition of its support of HB 681. Vote 14-0. Rep. Robert S. Hawkins for Labor, Industrial and Rehabilitative Services.

HB 536-FN, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount. Ought to Pass with Amendment.

This bill makes reference changes to reflect the recodification of the Workers' Compensation Law, changes in agency names, and other technical adjustments. It also alters the maximum benefits and the minimum eligibility time. Vote 13-0. Rep. Daniel Toomey for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by replacing section 1 with the following:

1 Total and Partial Unemployment. Amend RSA 282-A:14, III(a) to read as follows:

III.(a) For the purposes of paragraphs I and II, the term "wages" shall include compensation for temporary partial disability under the workers' compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature, except those specifically excluded elsewhere in this subparagraph, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. "Wages" shall not mean and shall not include payments from a supplemental unemployment plan as defined in RSA 282-A:3-a or any portion of a lump sum payment for workers' compensation made pursuant to RSA [281:33] **281-A:37**. Wages or earnings or both shall be deemed to have been received for such week or weeks as the commissioner may find can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of 20 percent, rounded to the nearest dollar, of his weekly benefit amount. Wages shall not include any payment made to an individual by reason of the individual's permanent separation from employment, for reasons other than retirement under a prior existing plan maintained by employer contributions vested in the individual before the date of separation.

Amend the bill by replacing section 3 with the following:

3 Annual Earnings. Amend RSA 282-A:16 to read as follows:

282-A:16 Annual Earnings. "Annual earnings" shall be the wages, to the nearest dollar, earned during each base period from an employer by an individual in employment in New Hampshire and an amount equivalent to the average weekly wage, as determined under the New Hampshire workers' compensation statute, for each week that an individual has been found by either the labor commissioner or a court to be entitled to receive workers' compensation based on a claim involving such employer; no portion of any lump sum payment pursuant to RSA [281:33] **281-A:37** shall constitute annual earnings. For any week which commences during the period between 2 successive sports seasons (or similar periods), no annual earnings shall be available for purposes of RSA 282-A:25 to any individual which are based on any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

Amend the bill by replacing section 4 with the following:

4 Weekly Benefit Amount, 1989. RSA 282-A:25, I is repealed and reenacted to read as follows:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of 2 calendar quarters he must have earned not less than \$1,100, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$ 2,800	\$ 35	\$ 910
3,000	37	962
3,200	40	1,040

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
3,400	42	1,092
3,600	45	1,170
3,900	49	1,274
4,200	52	1,352
4,500	56	1,456
4,800	60	1,560
5,100	63	1,638
5,400	67	1,742
5,700	71	1,846
6,000	75	1,950
6,300	78	2,028
6,600	82	2,132
7,000	87	2,262
7,400	91	2,366
7,800	95	2,470
8,200	99	2,574
8,600	102	2,652
9,000	105	2,730
9,500	108	2,808
10,000	111	2,886
10,500	114	2,964
11,000	117	3,042
11,500	120	3,120
12,500	123	3,198
13,500	126	3,276
14,500	129	3,354
15,500	132	3,432
16,500	136	3,536
17,500	140	3,640
18,500	144	3,744
19,500	148	3,848
20,500	150	3,900
21,500	152	3,952
22,500	156	4,056
23,500	162	4,212

Amend the bill by replacing section 8 with the following:

8 Payment of Contributions by County, City, Town or Other Political Subdivisions of the State. Amend RSA 282-A:71, I to read as follows:

I. A county, city, town or other political subdivision which becomes an employer under this act shall pay into the unemployment compensation fund an amount equivalent to the amount of benefits paid to claimants who during the applicable base period were paid wages by such county, city, town or other political subdivision. If a claimant during such base period was employed by both such county, city, town or other political subdivision and other employers subject to the provisions of this chapter, the amount to be paid into the fund by such county, city, town or other political subdivision with respect to such claimant shall be an amount equal to the amount of benefits

paid to such claimant in addition to such amount as the claimant was entitled to receive on the basis of the wages paid to such claimant by such other employers. The amount of payments required under this subdivision to be made into the fund shall be ascertained by the commissioner of the department of employment security as soon as practicable after the end of each calendar month. The payments by such county, city, town or other political subdivision into the fund shall be made at such times and in such manner as the commissioner of the department of employment security may determine and prescribe. A county, city, town or other political subdivision shall [not be required to] maintain a record of the social security account numbers of its employees.

Amend the bill by replacing section 9 with the following:

9 Proration of Payments. Amend RSA 282:72 to read as follows:

282-A:72 Proration of Payments. If the base period wages of an individual include wages from both the state and a town, city or other political [subdivisions] *subdivision* or from the state and more than one town, city or other political subdivision, or from more than one town, city or other political subdivision, then the amount to be paid into the fund under this subdivision with respect to the benefits paid to such individuals shall be prorated among such liable employers in proportion to the wages paid to such individual by such employer during the base period [in the order in which such wages were earned].

Amend the bill by replacing section 15 with the following:

15 Responsibilities of House Counsel. Amend RSA 282-A:136, II to read as follows:

II. Subject to the supervision of the attorney general as to matters of law, the general counsel and counsel shall be responsible to the commissioner, and shall perform such duties as the commissioner may from time to time assign. Appearances of general counsel and counsel shall be limited to [the appeal tribunal, the appellate division, and civil proceedings in the collection of taxes and overpayment of benefits] *administrative proceedings except as otherwise provided by RSA 282-A:137.*

Amend RSA 282-A:137, III as inserted by section 16 of the bill by replacing it with the following:

III. Subject to the approval and supervision of the attorney general as to matters of law, the general counsel and counsel of the department may appear in any court [on] in civil proceedings [in] for the collection of taxes [overpaid] and recovery of overpaid benefits. Upon request of the commissioner and approval of the attorney general, the general counsel and counsel may appear in any proceeding where such appearance is deemed by the attorney general to be in the best interest of the state.

Amend the bill by replacing section 17 with the following:

17 New Section; Collateral Estoppel. Amend RSA 282-A by inserting after section 179 the following new section:

282-A:180 Collateral Estoppel. Decisions rendered under this chapter shall not be admissible in any court or in administrative or other proceedings, not under or pursuant to this chapter, for the purpose of barring such court or proceeding from making independent findings of fact and rulings of law under the doctrine of collateral estoppel.

HB 508, relative to town moderators and elections. Inexpedient to Legislate.

The Secretary of State advised against passage of this bill. Vote 15-0. Rep. Roger C. King for Municipal and County Government.

HB 552-FN, relative to assessment of conservation lands. Re-Refer to Committee.

This bill provides for a method of municipal assessment of conservation restricted lands based upon the conservation uses to which the land is perpetually limited. The Committee is in general agreement on the merits of the bill, but would like to work with the sponsor further on clarification of definitions and other elements. Vote 17-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 572-FN, relative to an impact fee authorization statute. Inexpedient to Legislate.

House Bill 572 is one of four bills on the subject of impact fees. The quality of all bills was excellent, showing a great amount of thought. HB 758 was used as a vehicle to bring before the House a bill which covers this subject very well. Some of the substance of the bill was used in the construction of the amendment that is now HB 758. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

HB 588-FN, enabling municipalities to impose capital improvement impact fees. Inexpedient to Legislate.

The Committee would like to commend the sponsor for his efforts in researching and developing this bill; its major intents are now contained in separate legislation. Vote 17-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 597-FN, relative to installments for repair cost. Inexpedient to Legislate.

Present legislation is sufficient to handle and correct problems arising from violations and neglect of health statutes by property owners. Vote 14-1. Rep. Paul A. Golden for Municipal and County Government.

HB 630-FN, relative to the time for assessing property taxes following a complete reassessment in a city or town. Inexpedient to Legislate.

This bill would have required a delay until the following April of the effect of a complete reassessment in the city or town. The Committee voted 17 to 0 against this bill after hearing testimony from the Department of Revenue Administration which was not for or against it. The New Hampshire Tax Collectors' Association was opposed to the bill. There was only the sponsor and one other in favor. The Committee feels the present law provides sufficient notice of the effects of reassessment. Rep. Gabriel Daneault for Municipal and County Government.

HB 642-FN, enabling certain cities and towns to adopt an optional adjusted elderly exemption. Inexpedient to Legislate.

Existing law already allows for elderly exemptions. The Committee believes it should give the existing statute a chance to work. Vote 17-0. Rep. Barbara J. Baldizar for Municipal and County Government.

HB 645-FN, relative to the penalty for the failure to file the inventory of polls and property. Inexpedient to Legislate.

There was no testimony before the Committee that there exists a problem by towns using the property inventory forms. Accordingly, the proposal was directed to only one community and as such the Committee was of the opinion the bill should be Inexpedient to Legislate. Vote 16-0. Rep. George M. West for Municipal and County Government.

HB 711-FN, relative to auditing the accounts of joint solid waste disposal and resource recovery facilities established under the authority of the interstate solid waste compact. Inexpedient to Legislate.

There seems to be no compelling reason to change anything that is on the record. All audits are now being done by private auditing firms and sent to the Department of Revenue Administration. The whole concept of who is to apportion is vague. It does not state any reasons for the change. It does not address the fact that this is a compact between Vermont and New Hampshire and in fact the Legislative Budget Assistant is not able to furnish any fiscal impact on the compact. Besides the sponsor of the bill there was one other person from Walpole in favor and two negative reports by each from two representatives in Claremont. What is intended by this legislation and what it hopes to address are not known. Vote 17-0. Rep. John A. Middleton for Municipal and County Government.

HB 744-FN, establishing a road pay back fee system. Inexpedient to Legislate.

The basic intent of this bill is already addressed through separate legislation. While the Committee agrees its remaining subject matter is important, it will require further development for appropriate consideration. Vote 17-0. Rep. Thomas E. Scharff for Municipal and County Government.

HB 635-FN, relative to protecting federally subsidized housing. Ought to Pass with Amendment.

This bill, as amended by the Committee, forces owners of multi-family subsidized housing to notify tenants 12 months in advance of their intent to withdraw or terminate any rental assistance program which benefits the tenants. The Committee felt strongly that the tenants need this notice in order to have time to negotiate through either the New Hampshire Housing Finance Authority or the local public housing authority to purchase said property. Vote 15-1. Rep. Elsie Vartanian for State Institutions and Housing.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Subsidized Multifamily Rental Housing Projects. Amend RSA by inserting after chapter 356-C the following new chapter:

CHAPTER 356-D

SUBSIDIZED MULTIFAMILY RENTAL HOUSING PROJECTS

356-D:1 Definitions. "Subsidized multifamily rental housing project" means housing that is:

I. Financed by a loan or mortgage that is insured or held by the Secretary of the United States Department of Housing and Urban Development pursuant to:

(a) 12 U.S.C. section 1715l(d)(3, (4) and (5); or section

(b) 12 U.S.C. section 1715z-1; or

II. Subsidized by a project-based housing assistance payments contract which was executed with the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437(b)(2).

356-D:2 Applicability. This chapter shall apply to subsidized multifamily rental housing projects as defined in RSA 356-D:1 and to the first sale of formerly subsidized multifamily rental housing after the federal assistance granted pursuant to one of the programs described in RSA 356-D:1 has expired or has been terminated.

356-D:3 Notice of Termination of Subsidy. Any person who owns a subsidized multifamily rental housing project shall give notice in writing to each tenant household and to the public housing authority which operates within the municipality, or if there is no local public housing authority, to the New Hampshire housing finance authority, or the town clerk of such community, or both, of his intention to withdraw from or terminate any rental assistance program which is benefiting a tenant residing in the project at least 12 months prior to withdrawal or termination of the subsidy program.

2 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill requires owners of subsidized multifamily rental housing projects to give 12 months' notice to the local public housing authority or the New Hampshire Housing Finance authority, or the town clerk, and to each tenant household in the project of any intent to terminate a rental assistance program.

HB 33, prohibiting ski craft on Stinson Lake in the town of Rumney. Re-refer to Committee.

The operation of jet skis on any body of water in New Hampshire has occupied many hours for members of the General Court. Legislation enacted last session has not curtailed the concerns of those for or against the operation of jet skis. Unable to recommend one policy for all the legislative proposals this year, the Committee voted to re-refer HB 33. Its action would enable the Committee to sincerely work to address these concerns. Vote 13-0. Rep. Emma M. Dodge for Transportation.

HB 49, prohibiting ski craft on Rust Pond, Lake Wentworth and Crescent Lake in the town of Wolfeboro. Re-refer to Committee.

The operation of jet skis on any body of water in New Hampshire has occupied many hours for members of the General Court. Legislation enacted last session has not curtailed the concern of those for or against the operation of jet skis. Unable to recommend one policy for all the legislative proposals this year, the Committee voted to re-refer HB 49. Its action would enable the Committee to sincerely work to address these concerns. Vote 13-0. Rep. Emma M. Dodge for Transportation.

HB 154, prohibiting ski craft and limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham. Ought to Pass with Amendment.

The body of water is relatively isolated and is a shallow pond having come into existence when a dam was constructed on a stream to provide water power for a sawmill. The pond is heavily populated with wildlife due to its isolation. It is also a mecca for sailboating. The Committee felt that craft driven by large motors were out of place on this body of water. Vote 15-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

limiting the horsepower of motors on Upper Kimball Pond
in the town of Chatham.

Amend RSA 486:38 as inserted by section 1 of the bill by replacing it with the following:

486:38 Upper Kimball Pond.

I. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower upon Upper Kimball Pond in the town of Chatham.

II. Any person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill limits the horsepower of motors on boats operating on Upper Kimball Pond in the town of Chatham.

HB 180, relative to speed limits in posted school zones. Inexpedient to Legislate.

This bill would have changed the speed limit in a posted school zone to 10 miles per hour below the usual posted limit without the flashing beacon which current law requires to accompany the posting. This would only be in effect during opening and closing hours. The Committee felt that HB 324, a similar bill, would address this matter in a more efficient way, therefore it recommends this bill be Inexpedient to Legislate. Vote 16-0. Rep. Richard L. Haynes for Transportation.

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury. Ought to Pass.

The bill prohibits the use of petroleum powered boats on Waukeena Lake in the town of Danbury. Waukeena Lake is a shallow spring-fed pond of about 50 acres totally within the town of Danbury. The Committee agreed with the Board of Selectmen that the bill ought to pass. Vote 13-0. Rep. Kenneth W. Malcolm for Transportation.

HB 318, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton. Re-refer to Committee.

The operation of jet skis on any body of water in New Hampshire has occupied many hours for members of the General Court. Legislation enacted last session has not curtailed the concern of those for or against the operation of jet skis. Unable to recommend one policy for all the legislative proposals this year, the Committee voted to Re-refer HB 318. Its action would enable the Committee to sincerely work to address these concerns. Vote 14-0. Rep. Emma M. Dodge for Transportation.

HB 324, relative to posted school zones. Ought to Pass with Amendment.

House Bill 324, as amended, (1) indicates the times when speed is reduced prior to school openings and closings; (2) eliminates the wording only "during the period, when a yellow flashing beacon accompanying the posting is actuated." On a vote of 15-1, the Committee felt requiring a yellow flashing beacon was an unfunded state mandate. Those on a local level would be in a better position to ascertain the need. Rep. James J. White for Transportation.

Amendment

Amend section I of the bill by replacing it with the following:

I Basic Rule and Maximum Limits. RSA 265:60, II(a) is repealed and reenacted to read as follows:

(a) In a posted school zone, at a speed of 10 miles per hour below the usual posted limit from 45 minutes prior to school opening until the school opening and from the school closing until 30 minutes after the school closing.

AMENDED ANALYSIS

This bill eliminates the provision which states that the posted school zone speed limit is in effect only when a yellow flashing beacon is activated. The bill requires a motorist to proceed at a speed of 10 miles per hour below the posted limit 45 minutes prior to the normal school opening and 30 minutes at the school closing hour.

HB 365, relative to automobile transporter combinations. Ought to Pass with Amendment.

The amended version of this bill clearly complies with the Federal Automobile Transporters Combination Laws. With passage of HB 365, New Hampshire would not jeopardize needed Federal funds for its highway systems. Vote 17-0. Rep. James J. White for Transportation.

Amendment

Amend The title of the bill by replacing it with the following:

AN ACT

relative to automobile transporters.

Amend RSA 259:4-b as inserted by section 1 of the bill by replacing it with the following:

259:4-b "Automobile transporter" means any vehicle combination designed and used specifically for the transport of assembled vehicles capable of being driven on the highway.

259:4-c "Automobile transporter stinger-steered" means an automobile transporter configured as a semi-trailer combination in which the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

Amend RSA 266:11-a, II, III and IV as inserted by section 2 of the bill by replacing them with the following:

II. A conventional automobile transporter combination not in excess of 65 feet exclusive of a 3 foot front overhang and a 4 foot rear overhang.

III. Saddlemount plus fullmount combinations not in excess of 65 feet.

IV. A stinger-steered automobile transporter combination not in excess of 75 feet exclusive of a 3 foot front and 4 foot rear overhang.

AMENDED ANALYSIS

This bill defines automobile transporter and automobile transporter stinger-steered and defines length limitations for certain vehicle combinations.

HB 469, prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London. Re-Refer to Committee.

The operation of jet skis on any body of water in New Hampshire has occupied many hours for members of the General Court. Legislation enacted last session has not curtailed the concern of those for or against the operation of jet skis. Unable to recommend one policy for all the legislative proposals this year, the Committee voted to Re-refer HB 469. Its action would enable the Committee to sincerely work to address these concerns. Vote 13-0. Rep. Emma M. Dodge for Transportation.

HB 490, establishing a speed limit and restricting the use of certain devices on a portion of the Connecticut River. Re-Refer to Committee.

This bill would establish a speed limit and restrict the use of water ski craft in a three-mile section of the Connecticut River north of the Ledyard Bridge. Contradic-

tory testimony convinced the Committee it needed more time to investigate and study the issue. Vote 15-0. Rep. Roger Stewart for Transportation.

HB 528, relative to learners' permits. Ought to Pass with Amendment.

This bill provides that unlicensed drivers under the age of 18 shall be accompanied by a parent, legal guardian or responsible adult 25 years of age or older who is a licensed driver or certified driving instructor while operating a motor vehicle. The Committee felt that this bill would provide the student with more actual driving time and thus be more qualified to drive on the roads of the state. Rep. Richard L. Haynes for Transportation.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 Persons Learning to Drive. Amend RSA 263:25 to read as follows:

263:25 Exception for Persons Learning to Drive. Notwithstanding any other provision of law to the contrary, a person who does not possess a driver's license may drive a motor vehicle while being taught to drive, when accompanied by a person holding a driver's license of the appropriate class and type for the vehicle being driven, who is occupying the seat beside the person who is being taught to drive. This exception shall not apply to persons whose driving privileges or driver's licenses have been suspended or revoked for cause and persons less than [16] *15-1/2* years of age. *For unlicensed drivers under the age of 18 the person accompanying them shall be a parent, legal guardian, or responsible adult, 25 years of age or older, who is a licensed driver or a certified driving instructor.* The person accompanying the unlicensed driver [who possesses either a commercial driver's license or a driver's license shall be 21 years of age or older and] shall be liable for the violation of any provision of this title or rules adopted hereunder committed by such unlicensed driver. *A person who is learning to drive pursuant to the provisions of this section shall have in his possession proof of the fact he meets the age requirement.*

AMENDED ANALYSIS

This bill amends the statute relative to persons learning to drive.

The bill provides that unlicensed drivers under the age of 18 shall be accompanied by a parent, legal guardian, or responsible adult, 25 years of age or older, who is a licensed driver or certified driving instructor while operating a motor vehicle.

The provision relative to a learner's permit is repealed.

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers. Re-refer to Committee.

The Committee on two separate executive sessions was in doubt of the sponsor's intent and wishes to re-refer the bill. Vote 11-6. Rep. James J. White for Transportation.

HB 639-FN, relative to the disposition of acquired rail properties. Re-refer to Committee.

Both the Subcommittee and full Committee need clearer answers to sale of rail properties and wish to re-refer the bill. The process of selling rail properties and surplus land should be addressed, as testimony presented indicated a lengthy and time consuming routine. Vote 15-0. Rep. James J. White for Transportation.

HB 710-FN, regulating the use of social security numbers by the department of safety. Ought to Pass with Amendment.

This bill is to regulate use of Social Security numbers by the Department of Safety with regards to operator's license and the application thereof. This bill as amended stipulates that providing Social Security numbers as optional and the Department shall advise the applicant. Vote 14-1. Rep. Kenneth W. Malcolm for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Social Security Number Records. Amend RSA 263 by inserting after section 40 the following new section:

263:40-a Social Security Number.

I. An applicant for a driver's license or a renewal of a driver's license may provide his social security number to the department if he so desires. Each time the social security number is given by the applicant, the department shall advise the applicant that this is optional.

II. Notwithstanding RSA 91-A, RSA 260:14, RSA 261:60 or any other provision of law to the contrary, the social security number shall not be a public record open to the inspection of any person. The department shall only make the social security number available to other states for driver record purposes, to any national driver information repository established pursuant to federal law, or to a law enforcement agency that requires the social security number for investigative purposes.

III. At the time that an individual provides the social security number to the department, he shall be given the opportunity to determine whether he desires to have the number printed on his license. If the individual desires not to have the social security number printed on his license, it shall not be printed on the license.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill regulates the use of an applicant's social security number by the division of motor vehicles, department of safety, providing that the applicant may or may not provide his social security number, it is the applicant's option.

The social security number shall not be a public record open to inspection of any person.

The social security number shall only be made available to other states for driver record purposes, to any national driver information repository established by federal law or to a law enforcement agency for investigative purposes.

The individual applicant for a driver's license shall determine if he desires to have the social security number printed on his license.

HB 330-FN-A, relative to exemption from the gasoline tax and state license plates. Ought to Pass with Amendment.

This bill provides a statutory basis for a long-standing administrative practice: exempting Community Action Program vehicles from licensing and registration fees and road tolls. The Committee amendment tightens the definitions to insure that only the six CAPs, and no other nonprofit organizations, are exempted and to make the legislation prospective only. FISCAL IMPACT: probably small, but the Legislative Budget Assistant cannot determine precisely. Vote 15-0. Rep. Neal M. Kurk for Ways and Means.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Road Toll Refunds; Community Action Programs. Amend RSA 260:47, I to read as follows:

I. Any person who shall use any motor fuel, with respect to which the road toll has been paid, in any way other than in motor vehicles for the purpose of generating power for the propulsion thereof upon a way, or the state of New Hampshire or its agencies, *or any community action program authorized pursuant to the Community Services Block Grant Act, Public Law 97-35, Title 42, sections 9901-9912*, or any city, town, county, school district or village district which purchases motor fuel from a retail dealer and which uses such motor fuel in its own vehicle, shall be entitled to a refund to the extent of the amount of said toll so paid with respect to such motor fuel; provided, however, that no person, except an organized club of OHRVs, shall be entitled to a refund for an amount less than \$10. For the purposes of this section, a school district shall be deemed to be using motor fuel in its own vehicles if it qualifies as an owner of the vehicle under RSA 259:72. The right to receive any refund under this section shall not be assignable and any assignment thereof shall be void. Provided, however, members of an organized club for OHRV users may assign individual rights to a refund under this section to their respective clubs for the expansion and maintenance of club trails. With the exception of refunds made to OHRV clubs, and refunds made to school districts as hereinafter provided for fuel consumed by private school buses when used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with a municipality, municipal board, or school board authorities, no payment of any refund shall be made to any person other than the original person entitled to it and using or selling motor fuel as set forth in this paragraph; and provided further, the OHRV of the user shall be registered for OHRV use in New Hampshire to be eligible for the road toll refund under this section.

2 Publicly Owned Vehicle Plates; Community Action Program Eligibility. Amend RSA 261:92 to read as follows:

261:92 Publicly Owned Vehicles. The director shall have the authority to prescribe special rules relative to registration of vehicles owned and driven by the government of the United States, the state, or by any county, city, town, school district, volunteer fire department, *community action program*, or public or private educational institution used for the purpose of student driver training, and may issue permanent number plates for such vehicles. *For the purposes of this section, "community action program" means a program authorized pursuant to the Community Services Block Grant Act, Public Law 97-35, Title 42, sections 9901-9912.* Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of this title and may be driven upon the ways of the state without further registration or subsequent number plates.

3 Application. The provisions of sections 1 and 2 of this act relative to road toll refunds and registration for community action program vehicles shall be prospective only, and the right to receive any refund under RSA 260:47, I, and to receive permanent number plates under RSA 261:92, shall only apply to community action programs for periods beginning on or after July 1, 1989.

4 Effective Date. This act shall take effect July 1, 1989.

(Regular Calendar)

HB 510-FN, relative to parental involvement in abortion decisions of minor dependent children. Inexpedient to Legislate.

The Committee did not hear any evidence that this bill promotes family unity. The Legislature cannot by law mandate family unity. On the contrary, the court process contained in this bill takes away the final decision from the family. Statistics show that 85-90% of the minors involved do consult with one or both parents. The other 10 or 15 percent who cannot, come from families in which there may be alcoholism, sexual abuse or family violence. This law will not assist them in their distress. The court procedure is cumbersome and threatening to a minor already in a stressful situation. The court waiver contained in the bill requires the judges to decide after a brief court proceeding whether or not the minor is immature or mature. If found mature, the minor may make the abortion decision; found immature on the contrary means the minor can instead bear and raise a child. Furthermore, the state-funded procedure will be costly and will overburden the court system. Vote 10-8. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Resolution adopted.

SB 136-FN, prohibiting abortions performed on certain minors without parental consent. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee did not hear any evidence that this bill promotes family unity. The Legislature cannot by law mandate family unity. On the contrary, the court process contained in this bill takes away the final decision from the family. Statistics show that 85-90% of the minors involved do consult with one or both parents. The other 10 or 15 percent who cannot, come from families in which there may be alcoholism, sexual abuse or family violence. This law will not assist them in their distress. The court procedure is cumbersome and threatening to a minor already in a stressful situation. The court waiver contained in the bill requires the judges to decide after a brief court proceeding whether or not the minor is immature or mature. If found mature, the minor may make the abortion decision; found immature on the contrary means the minor can instead bear and raise a child. Furthermore, the state-funded court procedure will be costly and will overburden the court system. Vote 10-8. Rep. Sharon L. Nordgren for the Majority of Children, Youth and Juvenile Justice.

MINORITY: This bill, as amended, combines the best features of SB 136 and HB 510, both of which deal with parental involvement in abortion decisions by certain minors. The bill does not and cannot prohibit abortions, but rather requires a girl to consult one parent before undergoing an abortion. In situations where this is not possible or practical, the minor may be granted a waiver of this requirement in any district court. The minority of the Committee believes that this bill is the logical extension of existing state policies whereby children are treated differently than adults. If a child needs parental permission to take cough medicine at school, it seems only appropriate that the same child should be encouraged to consult her family when contemplating an abortion. Reps. Annette M. Cooke, Carolyn L. Brady, Dorothy C. Bowers, Christine A. Biondi, Irene C. Domini, Lionel W. Johnson, Stanley N. Seales and Linda S. Wihby for the Minority of Children, Youth and Juvenile Justice.

Rep. Cooke moved that the words, Ought to Pass with Amendment, be substituted for the Majority Report, Inexpedient to Legislate, and spoke to her motion.

Reps. Nordgren, Sanderson, McCain, and Bean spoke against the motion and yielded to questions.

Reps. Domaingue, Searles, and Sytek spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 142

NAYS 199

YEAS 142

BELKNAP

Ballou, Richard A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.

Bolduc, Dennis R.
Locke, Matthew J.
Rosen, Ralph J.

Golden, Paul A.
Peters, Kenneth P.
White, James J.

CARROLL

Chandler, Gene G.

CHESHIRE

Cole, Kenneth A.
Hill, Douglas E.
Young, David A.

Cole, Stacey W.
Laurent, John J.

Gordon, Irvin H.
Perry, David M.

COOS

Horton, Lynn C.
Theriault, Romeo J.

Lemire, George

Marsh, Beaton

GRAFTON

Dow, David O.
Townsend, Howard C.

Larson, Nils H., Jr.
Weymouth, Philip H.

Markley, J. Keith

HILLSBOROUGH

Ahrens, Frederick G.
Beaupre, Roland O.
Bourque, Ann J.
Burkush, Peter A.
Desrosiers, William J.
Donovan, Francis X.
Fields, Dennis H.
Gagnon, Gabrielle V.
Grip, Robert H.
Holden, Carol H.
Jasper, Shawn N.
Keefe, Edmund M.
Lachut, Ervin R.
Pepino, Leo P.
Provost, Gilles R.
Rodgers, G. Philip
Soucy, Lillian E.
Vanderlosk, Stanley R.
Wright, George W.

Baldizar, Barbara J.
Bicknell, Robert C.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Foote, Herbert N., Sr.
Genest, Fernand A.
Gureckis, Adam C., Sr.
Hultgren, David D.
Jean, Romeo W.
Kelley, Robert N.
Lawrence, Norman B.
Perham, Lester R.
Reidy, Frank J.
Schneiderat, Catherine A.
Turgeon, Roland M.
Wheeler, David K.

Barry, Vivian
Boucher, Lionel R.
Brady, Carolyn L.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Elliott, Larry G.
Frank, Nancy G.
Goulet, Maurice E.
Healy, Daniel J.
Hunter, Bruce F.
Johnson, Lionel W.
King, John A.
Ouellette, Robert O.
Prestipino, Bartolo V.
Riley, Frances L.
Searles, Stanley N., Sr.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
Carter, Susan D.
Hill, Michael
Stio, Peter M.

Barberia, Richard A.
Daneault, Gabriel
Holmes, Mary C.

Boucher, Laurent J.
Hayes, Robert C.
Pfaff, Terence R.

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen W.
 Cooke, Annette M.
 Flanders, John W., Sr.
 Hynes, Carolyn E.
 Klemarczyk, Thaddeus E.
 McCarthy, John J., Jr.
 Rosencrantz, James R.
 Sochalski, Matthew M.
 Warburton, Calvin

Boucher, William P.
 Caswell, Albert, Jr.
 Dube, LeRoy S.
 Ford, Bert H.
 Johnson, Robert A.
 Klemm, Arthur P., Jr.
 Raynowska, Bernard J.
 Seward, Russell G.
 Splaine, John E., Sr.
 Welch, David A.

Brown, Jeffrey M.
 Conroy, Janet M.
 Fesh, Robert M.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Magoon, Harold F.
 Ritzo, Eugene
 Simon, Peter M.
 Sytek, Donna P.
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Flynn, Anita A.
 Musler, George T.
 Sullivan, Henry P.
 Tsiros, William

Callaghan, Robert J.
 Kincaid, William K.
 O'Brien, John
 Swope, Warren L.
 Young, John B.

Dionne, Albert J.
 Marston, Robert E.
 Stewart, Glenn W.
 Torr, Ralph W.

SULLIVAN

Domini, Irene C.
 Krueger, Richard H.
 Rodeschin, Beverly T.

Flint, Gordon B.
 MacAskill, Kenneth M.

Hinrichsen, Keith L.
 Peyron, Fredrik

NAYS 199**BELKNAP**

Campbell, Richard H., Jr.
 Maviglio, Steven R.
 Richardson, Lawrence
 Ziegra, Alice S.

Hardy, Earle D.
 Pearson, Ralph W.
 Turner, Robert H.

Hawkins, Robert S.
 Randall, Kenneth A.
 Vogler, Charles C.

CARROLL

Allard, Nanci A.
 Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth
 Wigin, Allen R.

Chase, Russell C.
 Dodge, Arthur G., Jr.
 Powers, Gerard E., Jr.

Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
 Delano, Robert F.
 Hunt, John B.
 Metzger, Katherine H.
 Pratt, Irene A.

Blacketor, Paul G.
 Doucette, Richard F.
 LaMar, David M.
 Morse, JoAnn T.
 Sawyer, Alfred P.

Crutchley, Donald O.
 Grodin, Richard A.
 Matson, William R.
 Pearson, Gertrude B.
 Spear, Susan S.

COOS

Brungot, Catherine V.
 Kilbride, Dennis J.
 Nelson, Harold D.

Buckley, C. Fitzgerald, III
 Mayhew, Josephine
 Oleson, Otto H.

Burns, Harold W.
 Merrill, Gerald P.
 Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Christy, C. Dana
 Driscoll, William J.
 Nordgren, Sharon L.
 Teschner, Douglass P.

Arnesen, Deborah L.
 Brown, Channing T.
 Copenhaver, Marion L.
 Guest, Robert H.
 Rose, William B.
 Wadsworth, Karen O.

Bean, Pamela B.
 Chambers, Mary P.
 Densmore, Edward D.
 Hill, Richard L.
 Scanlan, David M.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Alukonis, David J.
 Barry, William M.
 Drabinowicz, A. Theresa
 Dyer, Merton S.
 Ford, Nancy M.
 Hall, Betty B.
 Klose, John F.
 Long, Linda D.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Record, Alice B.
 Smith, Leonard A.
 Tarpley, Nancy L.

Amidon, Eleanor H.
 Cowenhoven, Garret P.
 Dube, Ellen C.
 Dykstra, Leona
 Green, Scott E.
 Harlan, Susan N.
 Knight, Alice Tirrell
 Lown, Elizabeth D.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland A.
 Pappas, Toni
 Robinson, Ellen-Ann
 Steiner, Lee Anne S.
 Upton, Barbara A.

Barry, Janet G.
 Daigle, Robert A.
 Dwyer, Patricia R.
 Emerton, Lawrence A., Sr.
 Guilbert, Lionel
 Jenkins, Mary
 Kurk, Neal M.
 Lozeau, Donnalee M.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Pignatelli, Debora B.
 Sallada, Roland A.
 Stiles, Walter A.
 Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
 Braiterman, Thea G.
 Fillion, Paul R.
 Hall, Douglas E.
 Kidder, William F.
 Pantzer, Eugene E.
 Smith, Gerald R.
 Trombly, Rick A.
 Whittemore, James A.

Bardsley, Elizabeth S.
 Dunn, Miriam D.
 Gross, Caroline L.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Phelps, James D.
 Soldati, Jennifer
 Wallner, Mary Jane

Beaton, Nancy C.
 Fair, Patricia A.
 Hager, Elizabeth
 Johnson, C. William
 Lockwood, Robert A.
 Shaw, Randall F.
 Teague, Bert
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Flanagan, Natalie S.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 King, Roger C.
 MacKinnon, Nancy W.
 McCain, William F.
 Palumbo, Vincent J., Jr.
 Popov, Elizabeth M.
 Sanderson, Patricia O.
 Sherburne, John L.
 Vartanian, Elsie

Bell, Juanita L.
 Campbell, Eunice M.
 Flanders, Harry E.
 Gage, Thomas U.
 Haynes, Richard L.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Vaughn, Charles L.

Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Katsakiores, Phyllis M.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Parsons, Robert F.
 Roulston, Donald L.
 Senter, Marilyn P.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Foss, Patricia H.
 Keans, Sandra B.
 McCann, William H., Jr.
 Pelley, Janet R.
 Torr, Ann M.

Burton, Wayne M.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Wall, Janet G.

Flynn, Edward J.
 Gilmore, Gary R.
 Martling, W. Kent
 Parks, Joe B.
 Spencer, Leo J.
 Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
 Harland, Jane A.
 Stamatakis, Carol M.

Brodeur, Robert J.
 Middleton, John A.

Burling, Peter Hoe
 Schotanus, Merle W.

and the motion lost.
 Resolution adopted.

HB 513, relative to medicare balanced billing. Re-refer to Committee.

This bill brought out the masses and the experts on both sides of the aisle. The Committee found that the testimony on **HB 513** by the elderly and physicians was compelling, but a clear resolution of the issue was not possible given the complexity of the problem, the federal nature of Medicare payments, and the short amount of time available to fairly address this bill. The Committee's request for re-referral is neither a blessing nor damning of **HB 513**. It is, however, a statement that time is needed for informed decision-making. Vote 8-7. Rep. Deborah L. Arnesen for Commerce, Small Business and Consumer Affairs.

Report adopted.

HB 561, relative to the protection of public funds. Ought to Pass with Amendment.

This bill will provide much needed protection for the investment of public funds. This bill is the result of the work of the Public Investment Study Committee created by Chapter 55 of the Laws of 1987 with the charge to study the question of safeguarding public funds and appropriate investments of same. **HB 790** of the 1988 session added a representative of the New Hampshire Bankers Association and became Chapter 97 of the Laws of 1988. The re-impaneled Committee met extensively with a primary objective of safety of public deposits. This amendment allows New Hampshire institutions to accept public deposits in amounts equal to 25 percent of their capital. Any deposits above that amount must be fully collateralized. Municipalities can only place deposits in a qualified depository in-state or a fully collateralized depository out-of-state. These are the minimum requirements. Any public depositor is free to demand whatever collateralization or protection it wants.

The amendment also states that when a county treasurer has excess funds which are not immediately needed for the purpose of expenditure, he will obtain not only the approval of the county commissioners, but also the executive committee. Vote 15-0. Rep. Bonnie B. Packard for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Chapter; Protection of Public Funds. Amend RSA by inserting after chapter 6-B the following new chapter:

CHAPTER 6-C**PUBLIC DEPOSIT SECURITY ACT**

6-C:1 Statement of Purpose. The purpose of this chapter is to provide minimum requirements for the protection of public funds; first, to insure the absolute safety of principal on deposits and, second, to promote the safety of all invested public funds.

6-C:2 Definitions. In this chapter:

I. "Commissioner" means the bank commissioner.

II. "Eligible collateral" means collateral which is eligible as security for the tax and loan accounts of the United States government as defined from time to time in

regulations of the Secretary of the Treasury, and such other collateral as the commissioner approves.

III. "Public funds" means funds of the state of New Hampshire or of any governmental subdivision of the state.

IV. "Qualified public depository" means a state bank or trust company, national banking association, savings bank, federal savings bank, savings and loan association, federal savings and loan association, credit union or federal credit union located in this state or other institution as defined in RSA 384-B:1, I, which complies with the provisions of this chapter with respect to all public funds on deposit.

V. "Supervisory event" means issuance or contemplated issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities, the appointment of a receiver for a qualified public depository, or any similar action by a supervisory authority with respect to a qualified public depository as determined by the commissioner.

6-C:3 Powers of Commissioners. The commissioner shall have power:

I. To adopt rules under RSA 541-A as necessary to administer this chapter.

II. To require any qualified public depository to furnish such information as the commissioner shall request.

III. To take such action as he deems best for the protection, collection, compromise or settlement of any claim arising in the event of the occurrence of a supervisory event.

IV. To adopt rules, consistent with this chapter, fixing the requirements for banks to serve as depositories of public funds, defining eligible collateral and fixing other terms and conditions under which public deposits may be received and held.

V. To fix the official date on which any supervisory event shall be deemed to have occurred, taking into consideration the orders, rules and regulations of supervisory authorities as they affect the failure or inability of a qualified public depository to repay public funds on deposit in full.

6-C:4 Segregation of Collateral by Qualified Public Depository.

I. Each qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral in an amount equal to the portion of public funds on deposit which exceeds an amount equal to 25 percent of the total of its capital stock, if any; capital debentures, if any; surplus; undivided profits; unallocated reserves; guaranty fund; and guaranty fund surplus. Such collateral may be segregated by deposit in the trust department of the depository or in such other manner as the commissioner approves and shall be clearly designated as security for the benefit of public depositors under this chapter.

II. Collateral eligible as security for the tax and loan accounts of the United States government shall be valued in accordance with United States Treasury regulations. Other eligible collateral shall be valued at market value or as otherwise determined by the commissioner.

III. The depository shall have the right to make substitutions of eligible collateral at any time without notice as long as it meets the requirements of this chapter.

IV. The income from the assets which constitute segregated collateral shall belong to the depository bank without restriction until such time as a supervisory event shall be declared.

6-C:5 Procedure on Occurrence of Supervisory Event. When the commissioner determines that a supervisory event has occurred at a qualified public depository, he

shall as soon as possible make payment to the public depositors of such depository, pursuant to the following procedure:

I. The commissioner shall, within 20 days after the occurrence of the supervisory event, ascertain the amount of public funds on deposit in the qualified public depository as disclosed by its records and the amount of public funds covered by deposit insurance and certify these amounts to each such public depositor.

II. Within 10 days after receipt of such certification, each such public depositor shall furnish to the commissioner verified statements of its deposits in the qualified public depository as disclosed by its records.

III. Upon receipt of such statements, the commissioner shall ascertain and fix the amount of such public deposits, net of any deposit insurance coverage.

IV. The commissioner shall forthwith take possession of the eligible collateral segregated by the qualified public depository pursuant to this chapter and liquidate the eligible collateral for the purpose of distributing the proceeds thereof to the public depositors.

V. Upon receipt of the proceeds of liquidation, the commissioner shall make a pro rata distribution of the proceeds to the public depositors based on the amount of their respective public funds on deposit, net of deposit insurance coverage.

6-C:6 Out-of-State Public Deposits. No public funds shall be deposited in a depository located outside this state unless:

I. The out-of-state deposits are permitted by a statute of this state; and

II. Such out-of-state depository provides eligible collateral for such deposits in an amount required by the laws of the state of New Hampshire.

6-C:7 Securing of Deposits. All institutions located in this state which are permitted by the statutes of this state to hold and receive public funds on deposit shall have power to secure such deposits in accordance with this chapter. Except as provided in this chapter, no bond or other security shall be required of or given by any qualified public depository for any public funds on deposit.

6-C:8 Report and Examination of Depository. At least semi-annually, each qualified public depository shall render to the commissioner a written report, certified under oath, indicating the total amount of public funds on deposit with it and the amount and nature of the eligible collateral segregated and designated therefor in accordance with this chapter. Whenever a qualified public depository is examined by the commissioner or Comptroller of the Currency, such supervisor shall certify like information to the commissioner.

6-C:9 Other Action. Nothing in this chapter shall be determined to preclude the commissioner from taking other action to protect the deposit of public funds.

6-C:10 Reports. The commissioner shall report semi-annually, within 30 days of the receipt of reports required under RSA 6-C:8, a list of qualified public depositories to the state treasurer. Reports shall include information adequate to ensure compliance with RSA 41:29, 29:1 and 48:16.

Amend the bill by replacing section 3 with the following:

3 County Treasurer; Deposits. Amend RSA 29:1 to read as follows:

29:1 Duties. The county treasurer shall have custody of all moneys belonging to the county, and shall pay out the same only upon orders of the commissioners. He shall deposit the same in [solvent banks] *qualified public depositories, as defined in RSA 6-C*, in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits

United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not at any time exceed the sum of its paid-up capital and surplus. The county treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from the county treasury, and of all notes given by the county, with the particulars thereof. At the close of each fiscal year, he shall make a report to the county, giving a particular account of all his financial transactions during the year. He shall furnish to the commissioners statements from his books, and submit his books and vouchers to them and to the county auditors for examination, whenever so requested. Whenever the county treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the commissioners *and of the executive committee*, invest the same in obligations of the United States government, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the state of Massachusetts.

Amendment adopted.

Ordered to third reading.

HB 486-FN, relative to clearing land and cutting timber. Ought to Pass with Amendment.

This bill requires appropriate permits prior to state and/or local approval for clear-cutting roadside forest land for the purpose of converting that land to uses other than forestry purposes. According to the Division of Forest and Lands, this bill will increase the Division's workload, but according to the Director, the agency is able to absorb the increased costs. Vote 14-0. Rep. George T. Musler for Environment and Agriculture.

Amendment

Amend RSA 224:44-a, VI as inserted by section 2 of the bill by replacing it with the following:

VI. This section shall be enforceable by the municipality in which the land is situated; provided, however, that before initiating any enforcement action, the municipality shall notify the director of the division of forests and lands, who shall take action to the extent he deems necessary to ensure uniform statewide enforcement. If, within 10 days of notification to the director, no enforcement action has been taken by the director or his agent, the municipality may proceed with actions necessary to ensure compliance with the law.

AMENDED ANALYSIS

This bill changes the exemption procedures regarding certain restrictions on clearing land and cutting timber near waterways and highways. The bill authorizes the municipality in which the land is located to enforce land clearing and timber cutting restrictions, if 10 days after notification, the director of the division of forests and lands fails to take enforcement action.

Amendment adopted.

Ordered to third reading.

HB 516-FN, relative to illegal dumping of garbage. Ought to Pass with Amendment.

While towns and cities currently have the authority to establish bylaws governing the use of waste disposal facilities, the fines for violating these bylaws are not sufficient to deter infractions. As amended, this bill will allow municipalities to assess fines up to \$3,000 for violations. Hopefully, this amount will discourage violators. Vote 16-2. Rep. Rick A. Trombly for Environment and Agriculture.

Amendment

Amend RSA 149-M:13, II as inserted by section 1 of the bill by replacing it with the following:

II. A town may make bylaws governing the facility and fixing reasonable rates for its use. *Notwithstanding RSA 31:39, III, towns are authorized to levy civil penalties up to \$3,000 for each act of violating bylaws enacted pursuant to this section.*

AMENDED ANALYSIS

This bill specifically authorizes municipalities to levy civil penalties for each violation of bylaws enacted for the purpose of governing a septage and solid waste facility established by such municipalities.

Amendment adopted.

Ordered to third reading.

HB 606-FN, relative to approvable plans for solid waste management districts. Ought to Pass with Amendment.

House Bill 606, as amended, requires the Department of Environmental Services to submit a comprehensive report on the manner in which each Division is implementing its statutory responsibilities, together with its five-year projections. The Division of Solid Waste Management must review submitted plans from the towns and give notice of acceptance or deficiency within 120 days from receipt. Vote 16-1. Rep. Rick A. Trombly for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Approvable Plans. Amend RSA 149-M:18, IV to read as follows:

IV. Each district shall, by October 1, 1989, prepare [a] *an "approvable" solid waste management plan which is consistent with the state plan and demonstrates consideration of existing solid waste agreements and environmental and economic factors in the area. An "approvable" plan is one which contains information required by rule, in a form and with sufficient detail to demonstrate compliance with this provision. The plan shall include information regarding availability and use of capital reserve funds or alternative funding and shall specify available and projected dollar amounts. The plan shall also specify materials excluded or to be excluded from landfill or incinerator disposal and the date such exclusions became or are to become effective.* The district shall submit the proposed solid waste management plan to the division of waste management and shall submit *any changes and required* periodic reports to the division of waste management [as required]. *The department of environmental services shall review and* provide written notice to the district within 120 days from the date the plan is received by the division. The written notice shall state whether or not the department approves the plan and, if the depart-

ment does not approve the plan, the notice shall detail the specific deficiencies in the district plan. If a district has not filed [a] *an “approvable”* solid waste disposal plan with the division by October 1, 1989, *but has submitted a plan, the district may amend or change the submitted plan until October 1, 1989.* Thereafter, the state, through the division, [shall] *will* develop a plan for that district. Upon completion of such plan, the state shall assess the district 125 percent of the costs of development of the plan, which assessment shall be paid to the state by the district within 6 months of the development of such plan.

2 Department Report. The commissioner of the department of environmental services shall file with the governor and the committee on environment and agriculture of the house of representatives, a comprehensive department report on or before October 31, 1989. The report shall include present and projected goals and objectives of the department and each division of the department for a 5 year period. The report shall include a comprehensive summary of how each division is implementing its statutory responsibilities, including the standards and criteria established for administration of its duties, and shall further include, but not be limited to a review of the following areas:

I. How each division is currently implementing statutory responsibilities.

II. A list of all criteria considered when reviewing information submitted for approval, certification, permits, registration, or otherwise required by law to be submitted to the department.

III. Each division's process for handling application information or applications submitted to that division for review or approval and the average time of processing each type of application.

IV. Details of the criteria and enforcement procedures regarding all monitoring, investigation, and enforcement responsibilities for each division.

V. A list of established and recommended standards for landfill closure and division procedures for enforcement.

VI. Any anticipated or recommended expansion of each division's responsibilities.

VII. Detailed projections with summary job descriptions for present and anticipated staffing and personnel needs based on current and projected responsibilities.

VIII. Detailed projections for present and anticipated physical plant, laboratory, or equipment needs.

IX. Anticipated budget projections based on current and anticipated responsibilities.

X. Anticipated department and division expansion.

XI. Detailed requirements and criteria considered and recommended for siting all facilities regulated by the department.

XII. Enforcement responsibilities of each division and current enforcement and violation records.

XIII. Review of present state air emission standards, current enforcement policy and enforcement record.

XIV. Review of present state water standards, current enforcement policy and enforcement record.

3 Legislative Response; Updated Reports. The committee on environment and agriculture of the house of representatives shall file a written response to the commissioner of the department of environmental services regarding the department report

within 120 days from the date the report is submitted to the governor and legislature. Thereafter, the commissioner shall file quarterly changes and updates in the department report with the committee on environment and agriculture.

4 Failure to File Report. Failure to file a complete and timely report shall be considered cause for removal of the commissioner in accordance with RSA 4:1.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

Under present law, each solid waste district is required to submit a district solid waste management plan to the division of waste management by October 1, 1989. Each district which fails to file a plan by the deadline date will pay the assessment on a plan developed for that district by the division of waste management.

This bill requires that the district plans submitted for review be "approvable" in form, content, and detail as established by rule. Plans shall include information regarding capital funding and materials to be excluded from disposal. Plans submitted which do not meet the approvable standard may be rejected by the division of waste management. Districts may amend the proposed plans until October 1, 1989. The division will develop plans for districts that fail to submit "approvable" proposed plans by the deadline.

The division must review submitted plans and give notice of acceptance or deficiency within 120 days from receipt.

The bill requires the department of environmental services to submit a comprehensive report, with quarterly updates, on the manner in which each division is implementing its statutory responsibilities, together with its 5 year projections.

Amendment adopted.

Rep. Cole offered an amendment and spoke to his amendment.

Amendment

Amend RSA 149-M:18, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each district shall, by October 1, 1989, prepare [a] *an "approvable" solid waste management plan which is consistent with the state plan and demonstrates consideration of existing solid waste agreements and environmental and economic factors in the area. An "approvable" plan is one which contains information required by rule, in a form and with sufficient detail to demonstrate compliance with this provision. The plan shall include information regarding availability and use of capital reserve funds or alternative funding and shall specify available and projected dollar amounts. The plan shall also specify materials excluded or to be excluded from landfill or incinerator disposal and the date such exclusions became or are to become effective.* The district shall submit the proposed solid waste management plan to the division of waste management and shall submit *any changes and required* periodic reports to the division of waste management [as required]. *The department of environmental services shall review and provide written notice to the district within 120 days from the date the plan is received by the division. The written notice shall state whether or not the department approves the plan and, if the department does not approve the plan, the notice shall detail the specific deficiencies in the district plan.* If a district has not filed [a] *an "approvable" solid waste disposal plan with the division by October 1, 1989, but has submitted a plan,*

the district may amend or change the submitted plan until October 1, 1989. Thereafter, the state, through the division, [shall] will develop [a plan for that district. Upon completion of such plan, the state shall assess the district 125 percent of the costs of development of the plan, which assessment shall be paid to the state by the district within 6 months of the development of such plan] or will provide for the development of a district plan, which will conform with the plan requirements specified in RSA 149-M:19, for any district without an approvable plan. Such district shall be assessed the cost of plan development, which may include an amount for administrative costs not exceeding 10 percent of the direct development expenses. The assessment shall be paid to the state within 6 months from the date that the plan is approved.

Rep. Musler spoke in favor of the floor amendment.

Amendment adopted.

Ordered to third reading.

HB 669, prohibiting non-biodegradable single use plastic items. Re-refer to Committee.

The Committee feels this bill has merit, but needs further study. Passage at this time would apparently create havoc in the medical industry and possibly others. At the present time, the Committee is unable to work on this bill, but intends to consult with the Northeast Recycling Council to obtain compatible regional legislation. Vote 15-1. Rep. John L. Sherburne for Environment and Agriculture.

Report adopted.

HB 701, relative to the Ashuelot Valley refuse disposal district. Inexpedient to Legislate.

The affected towns are currently operating under RSA 53-B and should follow the process under this law. Vote 14-0. Rep. A. Gibb Dodge, Jr. for Environment and Agriculture.

Resolution adopted.

Rep. Douglas Hill abstained from voting under Rule 16.

HB 722-FN, regarding solid waste management districts. Ought to Pass with Amendment.

This bill establishes uniform criteria within districts and clarifies the siting of future facilities. Vote 15-1. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Conditions Required for Withdrawal. Amend RSA 149-M:18, I to read as follows:

I. Each town shall participate in a solid waste management district. Districts formed by area towns shall be the basis for developing a district solid waste management plan. Subdistricts may be formed whose plans will be included in the district plan for purposes of implementation. All subdistricts and districts must receive final approval by the division of waste management, but approval of subdistricts and districts formed by towns shall not be withheld unless it can be demonstrated that the subdistrict or district does not serve to promote area planning for and cooperative efforts in solid waste management in an environmentally sound and economic man-

ner. In the event formation of a district has not been initiated by October 1, 1983, the division of waste management shall complete formation of districts using criteria included in the state plan, existing and proposed solid waste agreements and other related information that may be provided. *After July 1, 1989, each town, whether it has entered into a district voluntarily or has been assigned to a district, shall remain in such district in order to participate in a solid waste management plan pursuant to RSA 149-M:18, IV* and may withdraw from that district only after the town has:

(a) Obtained approval by a majority vote of district committee members of the solid waste management district of which the municipality is currently a member.

(b) Paid its proportionate equitable share of the district expense and debt, including long-term debt incurred by the district.

(c) Obtained approval by a majority vote of the district committee members of the regional refuse disposal district which the municipality proposes to join.

2 New Paragraph; Districts. Amend RSA 149-M:18 by inserting after paragraph I the following new paragraph:

I-a. A town may be exempted from the requirements of RSA 149-M:18, I, (a), (b), or (c) by appealing to the solid waste management council, pursuant to RSA 21-O:9, VII.

3 New Paragraph; Appeals from District Committee. Amend RSA 21-O:9 by inserting after paragraph VI the following new paragraph:

VII. The solid waste management council shall hear and decide appeals from decisions of solid waste management district committees regarding a town's request to change from one regional refuse disposal district to another, pursuant to RSA 149-M:18, I-a.

4 Implementation Required. Amend RSA 149-M:19, II to read as follows:

II. Each plan shall be reviewed and commented upon by the division of waste management. The division of waste management, district or a town may request a hearing on the plan as submitted. The division of waste management may approve, require modification of, or disapprove of any plan *with cause stated* and shall finally act upon each plan within [60] **120** days of submission. *Within 60 days after receipt of written notice of approval of the plan by the division, the district shall begin implementing the plan.*

5 New Section; Process for Plan Review. Amend RSA 149-M by inserting after section 10 the following new section:

149-M:10-a Process for Permit Application Review.

I. Within 30 days after receipt of an application for a permit under this section, the division shall review the application and shall request the applicant to submit any additional information the division deems necessary. Within 30 days after receipt of such additional information, the department shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by or directly related to such additional information.

II. A permit shall be approved or denied within 120 days after the later of receipt of the original application or receipt of the last item of timely requested additional material. The permit shall be approved or denied within 120 days after receipt of the original application unless the division and applicant agree in writing to an extension.

III. The failure of the division to approve, or disapprove the application pursuant to paragraph II of this section shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application, if the court

determines that the proposal complies with existing rules of the division of waste management.

6 New Section; Solid Waste Regional Cooperatives. Amend RSA 149-M by inserting after section 21 the following new section:

149-M:22 Solid Waste Regional Cooperatives. The state shall encourage the formation of regional private cooperatives to share costs of construction for large scale regional facilities for the disposal of non-recyclable solid waste. The cooperatives which appoint administrative directors may receive technical assistance, educational resources, and planning assistance through application to the division of waste management.

7 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill requires towns which are currently in a solid waste management district on July 1, 1989, to remain in such district in order to comply with the October 1, 1989, deadline for filing solid waste plans. Towns may change from one district to another by meeting established financial obligations and obtaining district approval.

The bill also requires towns and districts whose plans are approved by the division of waste management to begin implementing the plan within 60 days of approval.

Amendment adopted.

Ordered to third reading.

HB 449-FN, relative to civil suits against municipal officials. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This bill provides for a quick (90 days from return date) preliminary hearing in civil actions against municipal officials based on allegations of bad faith. The purpose of the bill is to allow early disposition of cases in which the plaintiff has no actual evidence of malice or bad faith on the official's part. The majority of the Committee believes that this bill will reduce the temptation or tendency to bring harrassing suits against municipal officials. Vote 14-4. Rep. Peter Hoe Burling for the Majority of Judiciary.

MINORITY: The first and foremost thing on this issue that the House should be aware of is that under RSA 31:104 municipal officials are immune from suit when acting in good faith in the course of their official duty. However, this legislation would permit municipal officials to force a "show cause hearing" within 90 days from when a suit is filed. Justice Brock, in his speech on the state of the Judiciary, reminded us that we already have passed 52 such statutes thereby giving certain cases priority. "This results in a loss of scheduling flexibility and causes the removal of non-priority cases from the trial and hearing lists." He further stated "It would be helpful if in the future full consideration could be given to the impact that such legislation will have on our courts prior to its adoption." The minority asks that you remember those cases that are continually moved back. Remember these officials already have the advantage of a statute granting them immunity. Reps. Donnalee M. Lozeau, Patricia R. Dwyer, Beverly A. Hollingworth and Robert E. Murphy for the Minority of Judiciary.

Amendment

Amend RSA 491:24 as inserted by section 1 of the bill by replacing it with the following:

491:24 Civil Suits Against Municipal Officials.

I. Whenever a municipal official or individual member of a municipal board or agency, who is subject to good faith immunity under the provisions of RSA 31:104 or the common law of New Hampshire, is sued personally for money damages and the plaintiff alleges injury or damage resulting from action taken in bad faith or with malice on the part of the official or member when acting in his official capacity, the superior court shall hold a preliminary hearing within 90 days of the return date of the action.

II. At the hearing the plaintiff shall demonstrate that the allegation of bad faith or malice is based upon information and belief formed after reasonable inquiry and well grounded in fact and that there is a substantial likelihood that, following discovery, evidence shall be adduced sufficient to create an issue for determination by the finder of fact. If the plaintiff fails in such demonstration, the action against such official or member shall be dismissed.

III. If, upon all the evidence presented at the hearing, the court determines that the action is frivolous or intended to harass or to influence the official actions or decisions of the municipal official or board member, the plaintiff shall pay the court costs and reasonable attorneys' fees of the defendant.

AMENDED ANALYSIS

This bill requires the superior court to hold a "show cause" hearing in certain actions against a municipal official, board member, or agency member. If the court dismisses the action and determines that the action was frivolous or intended to harass or influence certain action or decisions of such individuals, the plaintiff is required to pay the defendant's court costs and reasonable attorneys' fees.

Rep. Murphy moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment.

Rep. Thomas Gage spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 68

NAYS 251

YEAS 68
BELKNAP

Holbrook, Robert G.

Maviglio, Steven R.

Richardson, Lawrence

CHESHIRE

Barber, Robert E., Jr.

Cole, Kenneth A.

Foster, Katherine D.

Hunt, John B.

LaMar, David M.

Morse, JoAnn T.

Pratt, Irene A.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III

GRAFTON

Bennett, Shirley M.

Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.

Baldizar, Barbara J.

Barry, Vivian

Beaupre, Roland O.

Bourque, Ann J.

Daigle, Robert A.

Desrosiers, William J.

Dwyer, Patricia R.

Frank, Nancy G.

Genest, Fernand A.

Gureckis, Adam C., Sr.

Healy, Daniel J.

Jean, Romeo W.

Jenkins, Mary

Johnson, Lionel W.

King, John A.

Klose, John F.

Knight, Alice Tirrell

Long, Linda D.

Lozeau, Donnalee M.

McRae, Karen

Murphy, Robert E.
 Prestipino, Bartolo V.
 Soucy, Lillian E.

Nardi, Theodora P.
 Reidy, Frank J.
 Turgeon, Roland M.

Pappas, Toni
 Riley, Frances L.
 Wheeler, David K.

MERRIMACK

Bardsley, Elizabeth S.
 Soldati, Jennifer

Dunn, Miriam D.
 Stio, Peter M.

Fillion, Paul R.
 Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
 Forsythe, Douglas G.
 McGovern, Cynthia A.
 Rosencrantz, James R.

Blanchard, MaryAnn N.
 Gage, Beverly A.
 Pantelakos, Laura C.
 Vaughn, Charles L.

Campbell, Eunice M.
 Hollingworth, Beverly A.
 Remick, Barbara R.

STRAFFORD

Callaghan, Robert J.
 Sullivan, Henry P.

Flynn, Anita A.

Flynn, Edward J.

SULLIVAN

Middleton, John A.

Schotanus, Merle W.

Stamatakis, Carol M.

NAYS 251

BELKNAP

Ballou, Richard A.
 Golden, Paul A.
 Locke, Matthew J.
 Rice, Thomas E. P., Jr.
 Vogler, Charles C.

Bolduc, Dennis R.
 Hardy, Earle D.
 Pearson, Ralph W.
 Rosen, Ralph J.
 White, James J.

Campbell, Richard H., Jr.
 Hawkins, Robert S.
 Peters, Kenneth P.
 Turner, Robert H.
 Ziegler, Alice S.

CARROLL

Allard, Nanci A.
 Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Saunders, Howard N.

Chandler, Gene G.
 Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth
 Wiggin, Allen R.

Chase, Russell C.
 Dodge, Arthur G., Jr.
 Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
 Delano, Robert F.
 Grodin, Richard A.
 Matson, William R.
 Perry, David M.

Cole, Stacey W.
 Doucette, Richard F.
 Hill, Douglas E.
 Metzger, Katherine H.
 Sawyer, Alfred P.

Crutchley, Donald O.
 Gordon, Irvin H.
 Laurent, John J.
 Pearson, Gertrude B.
 Young, David A.

COOS

Brungot, Catherine V.
 Kilbride, Dennis J.
 Mayhew, Josephine
 Oleson, Otto H.

Burns, Harold W.
 Lemire, George
 Merrill, Gerald P.
 Theriault, Romeo J.

Horton, Lynn C.
 Marsh, Beaton
 Nelson, Harold D.

GRAFTON

Adams, Carl S.
 Chambers, Mary P.
 Densmore, Edward D.
 Eno, Larry E.
 Larson, Nils H., Jr.
 Rose, William B.
 Townsend, Howard C.

Bean, Pamela B.
 Christy, C. Dana
 Dow, David O.
 Guest, Robert H.
 Markley, J. Keith
 Scanlan, David M.
 Weymouth, Philip H.

Brown, Channing T.
 Copenhaver, Marion L.
 Driscoll, William J.
 Hill, Richard L.
 Nordgren, Sharon L.
 Teschner, Douglass P.
 Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
 Boucher, Lionel R.
 Cowenhoven, Garret P.
 Dodge, Emma M.
 Drolet, Paul L., Jr.
 Dykstra, Leona
 Fields, Dennis H.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Harlan, Susan N.
 Hunter, Bruce F.
 Kelley, Robert N.
 Lown, Elizabeth D.
 McDowell, James E.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Record, Alice B.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Upton, Barbara A.
 Young, Willard N.

Amidon, Eleanor H.
 Bowers, Dorothy C.
 Cox, Gladys M.
 Donovan, Francis X.
 Dube, Ellen C.
 Elliott, Larry G.
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Guilbert, Lionel
 Holden, Carol H.
 Jasper, Shawn N.
 Lachut, Ervin R.
 Mason, Howard F.
 McNerney, Daniel P.
 Morrisette, Roland A.
 Pepino, Leo P.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

Barry, William M.
 Burkush, Peter A.
 Desrochers, Gerard T.
 Drabinowicz, A. Theresa
 Dyer, Merton S.
 Emerton, Lawrence A., Sr.
 Ford, Nancy M.
 Green, Scott E.
 Hall, Betty B.
 Hultgren, David D.
 Keefe, Edmund M.
 Lawrence, Norman B.
 McCann, Bonnie Lou
 Messier, Irene M.
 Ouellette, Robert O.
 Perham, Lester R.
 Sallada, Roland A.
 Smith, Leonard A.
 Tyree, Paul M.
 Wright, George W.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy C.
 Carter, Susan D.
 Gross, Caroline L.
 Holmes, Mary C.
 Kidder, William F.
 Pantzer, Eugene E.
 Shaw, Randall F.
 Whittemore, James A.

Apple, Lowell D.
 Boucher, Laurent J.
 Daneault, Gabriel
 Hayes, Robert C.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pfaff, Terence R.
 Smith, Gerald R.

Barberia, Richard A.
 Braiterman, Thea G.
 Fair, Patricia A.
 Hill, Michael
 Johnson, C. William
 Nichols, Avis B.
 Phelps, James D.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Dube, LeRoy S.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.

Boucher, William P.
 Bucu, Stephen W.
 Conroy, Janet M.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Popov, Elizabeth M.
 Roulston, Donald L.
 Seward, Russell G.

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Flanagan, Natalie S.
 Ford, Bert H.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCain, William F.
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Sherburne, John L.

Skinner, Patricia M.
Tufts, J. Arthur
Welch, David A.

Sochalski, Matthew M.
Vartanian, Elsie
Wells, Henry E.

Sytek, Donna P.
Warburton, Calvin
Wright, David B.

STRAFFORD

Appleby, James E.
Dionne, Albert J.
Gilmore, Gary R.
Kinney, Paula J.
Merrill, Amanda A.
Parks, Joe B.
Spencer, Leo J.
Torr, Ann M.
Wall, Janet G.

Bernard, Mary E.
Foss, Patricia H.
Keans, Sandra B.
Marston, Robert E.
Meserve, John H.
Pelley, Janet R.
Stewart, Glenn W.
Torr, Ralph W.
Wheeler, Katherine Wells

Burton, Wayne M.
Frechette, Roland A.
Kincaid, William K.
Martling, W. Kent
Musler, George T.
Scharff, Thomas E.
Swope, Warren L.
Tsiros, William
Young, John B.

SULLIVAN

Behrens, Thomas A.
Domini, Irene C.
Hinrichsen, Keith L.
Peyron, Fredrik

Brodeur, Robert J.
Flint, Gordon B.
Krueger, Richard H.
Rodeschin, Beverly T.

Burling, Peter Hoe
Harland, Jane A.
MacAskill, Kenneth M.

and the motion lost.

Rep. Domaingue notified the Clerk that she wished to be recorded in opposition to the motion.

Amendment adopted.

Ordered to third reading.

HB 474, relative to the losing party's payment of the prevailing party's costs in tort actions. Inexpedient to Legislate.

After looking long and hard at this legislation, the Committee feels that it would raise inequities that could not be remedied without possibly violating the Constitution. The 1986 Tort Reform Act allows attorney fees to be awarded in frivolous suits. Any further expansion of this would be better done by court rule. Vote 17-0. Rep. Thomas U. Gage for Judiciary.

Rep. Dickinson moved that the words Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and withdrew his motion.

Rep. Hollingworth spoke in favor of the Report.

Resolution adopted.

HB 615-FN, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation. Ought to Pass with Amendment.

This bill institutes a voluntary pilot program to experiment with the managed care concept of cost containment in the Workers' Compensation system. This program will take place in the south central tier of the state for a two-year period. Vote 10-3. Rep. Daniel Toomey for Labor, Industrial and Rehabilitative Services.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Pilot Program; Workers' Compensation.

I. It is the intent of the general court to determine whether the costs of the workers' compensation system can be effectively contained by monitoring more closely the medical, hospital and remedial care required by RSA 281-A:23, while providing injured workers with more prompt and effective care and earlier restoration of earning capacity,

without diminution of the quality of such care. Therefore, the general court establishes a pilot program to be administered by the labor commissioner with the assistance of an advisory committee. This pilot program shall terminate 2 years after the first date of operation of the program, as certified by the labor commissioner to the secretary of state, unless authorized to continue by the legislature. In order to implement this pilot program the labor commissioner, with the advice of the advisory committee established in section 2 of this act, shall adopt rules relative to:

(a) Controlling the selection of providers of medical, hospital and remedial care, while preserving to employees the choice of whether or not to participate in the program in the first instance.

(b) Establishing, by agreement and in advance, appropriate fees for medical, hospital and remedial care.

(c) Promoting effective and timely utilization of medical, hospital and remedial care by injured workers.

(d) Coordinating the duration of payment of disability benefits with determinations made by qualified participating providers of medical, hospital, or remedial care.

II. The labor commissioner, with the approval of governor and council, may enter into such contracts as may be necessary to implement the pilot program.

III. The labor commissioner may also accept grants and moneys from any source and may expend such grants and moneys for the purposes of the program.

2 Advisory Committee. There is established a 6-member advisory committee to assist the labor commissioner in establishing the pilot program, including the rulemaking process, authorized under section 1 of this act. Four committee members shall be appointed by the labor commissioner as follows: a representative of employers, a representative of employees, a representative of workers' compensation insurance carriers and a representative of medical, hospital and remedial care providers. One member shall be a representative appointed by the speaker of the house and one member shall be a senator appointed by the senate president. Members of the advisory committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate.

3 Applicability of Existing Statute. The pilot program authorized by section 1 of this act may supercede the provisions of RSA 281-A to the extent necessary to carry out the intent and to incorporate the features set forth in paragraph I of section 1. However, no provision of the pilot program may vary the methods for calculating weekly payments for disability compensation under RSA 281-A:28 or 281-A:31, or for calculating scheduled permanent impairment awards under RSA 281-A:32. Likewise, no provision of the pilot program shall limit the right to hearing under RSA 281-A:43, I.

4 Report. The labor commissioner shall make an interim report on or before December 1, 1990, and a final report on or before the termination date specified in section 1 of this act to the speaker of the house, the senate president, and the governor, on his activities, findings and recommendations relative to the pilot program. The commissioner shall evaluate the program in terms of cost savings, effectiveness of medical, hospital, and remedial care; reduction in lost earning capacity; and any other pertinent matter.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a 2-year pilot program to determine whether the costs of the workers' compensation system can be contained by monitoring more closely the medical, hospital and remedial care required under RSA 281-A:23, while providing an injured

worker if he chooses to participate, prompt, effective and quality care. The bill establishes an advisory committee to assist the labor commissioner in implementing the program.

The bill authorizes the pilot program to supersede conflicting provisions of the workers' compensation law to the extent necessary to carry out the program; however, hearings, weekly payments for disability compensation, and scheduled permanent impairment awards are to remain the same during the duration of the pilot program.

Amendment adopted.

Ordered to third reading.

HB 732, relative to family and catastrophic medical leave standards. Re-refer to Committee.

The Committee feels it needs more time to further study this bill to give both sides a fair study. Both sides agreed with the Committee action to re-refer. Vote 11-2. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

Report adopted.

HR 15, calling for certain measures to be taken by the executive branch of state government unless and until certain conditions are met by the Public Service Company of New Hampshire. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The bankruptcy of Public Service Company of New Hampshire is potentially the single most disastrous economic event to ever occur in New Hampshire. It is clearly in the best interest of all New Hampshire citizens and businesses for this bankruptcy issue to be equitably resolved in a timely fashion.

House Resolution 15 will not in any way help New Hampshire towards a speedy resolution of the current bankruptcy stalemate. In fact, passage of HR 15 would likely not only add to the confusion surrounding the bankruptcy process, but also add time and therefore add costs to this complicated process.

House Resolution 15 calls for the Executive Branch of New Hampshire government to do three things. The first, to "vigorously contest acceptance of the Reorganization Plan in the Bankruptcy Court and such other courts as may be appropriate." The state is already "vigorously" contesting any and all reorganization plans that are not in the best interest of New Hampshire ratepayers and the state has spent almost two million dollars to date doing just that.

Secondly, the Resolution also calls for reversal of the 15 years of support that the state of New Hampshire has consistently demonstrated for the construction and completion of the Seabrook Power Plant. To do this would ignore the irrefutable need for that power supply to assure a steady, uninterrupted, state-controlled source of energy that is necessary for the future needs of our people and our economy. In Ohio, the same call for reversal of long-standing state support was made by Governor Celeste and was soundly rejected by the federal government.

The third part of this Resolution calls for an investigation of electric rates pursuant to RSA 378:7. This investigation has already been initiated by the state and put on hold by the bankruptcy judge so as not to further delay the current bankruptcy proceedings.

Adoption of this resolution would have only negative effects on the resolution of the bankruptcy and have no positive impact for the ratepayers and taxpayers of this state. Vote 10-4. Rep. Vincent J. Palumbo for the Majority of Legislative Administration.

MINORITY: The intent of this Resolution is to develop a strong position for the state in the Public Service Company of New Hampshire bankruptcy proceedings. The resolution is consistent with the actions taken by the Governor in order to protect ratepayers.

The minority hopes that by adopting this Resolution, the positions of the legislative and executive branches of government can be unified and strengthened in the best interest of New Hampshire business and residential ratepayers. Rep. Lillian E. Soucy for the Minority of Legislative Administration.

Rep. Chambers moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Palumbo and Therriault spoke against the motion and yielded to questions.

Rep. Leonard Smith spoke in favor of the motion.

Rep. Phelps moved to limit debate.

Motion adopted.

A roll call was requested. Sufficiently seconded.

YEAS 118

NAYS 226

YEAS 118

BELKNAP

Golden, Paul A.
Randall, Kenneth A.

Maviglio, Steven R.
White, James J.

Peters, Kenneth P.

CARROLL

Wiggin, Allen R.

CHESHIRE

Barber, Robert E., Jr.
Doucette, Richard F.
LaMar, David M.
Spear, Susan S.

Blacketor, Paul G.
Foster, Katherine D.
Matson, William R.

Cole, Kenneth A.
Hunt, John B.
Pratt, Irene A.

COOS

Kilbride, Dennis J.
Oleson, Otto H.

Mayhew, Josephine
Woodburn, Jeffrey R.

Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
LaMott, Paul I.

Bennett, Shirley M.
Densmore, Edward D.
Nordgren, Sharon L.

Chambers, Mary P.
Guest, Robert H.

HILLSBOROUGH

Baldizar, Barbara J.
Bourque, Ann J.
Drabinowicz, A. Theresa
Dykstra, Leona
Ford, Nancy M.
Genest, Fernand A.
Jenkins, Mary
Lefebvre, Roland J.
McCann, Bonnie Lou
Nardi, Theodora P.
Pepino, Leo P.
Reidy, Frank J.
Toomey, Daniel
Wright, George W.

Barry, Vivian
Burkush, Peter A.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Hall, Betty B.
Johnson, Lionel W.
Long, Linda D.
McDowell, James E.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Smith, Leonard A.
Turgeon, Roland M.

Barry, William M.
Donovan, Francis X.
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Jean, Romeo W.
King, John A.
Lozeau, Donnalee M.
Messier, Irene M.
Packard, Bonnie B.
Provost, Gilles R.
Soucy, Lillian E.
Upton, Barbara A.

MERRIMACK

Beaton, Nancy C.
Hall, Douglas E.
Wallner, Mary Jane

Braiterman, Thea G.
Jacobson, Alf E.

Dunn, Miriam D.
Soldati, Jennifer

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Gourdeau, Raymond H.
Hynes, Carolyn E.
McGovern, Cynthia A.
Popov, Elizabeth M.
Sanderson, Patricia O.

Bell, Juanita L.
Gage, Beverly A.
Hoar, John, Jr.
Kane, Cecelia D.
Pantelakos, Laura C.
Ritzo, Eugene
Splaine, John E., Sr.

Blanchard, MaryAnn N.
Gage, Thomas U.
Hollingworth, Beverly A.
MacKinnon, Nancy W.
Parr, Ednapearl F.
Rosencrantz, James R.
Vaughn, Charles L.

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Keans, Sandra B.
O'Brien, John
Spencer, Leo J.
Wheeler, Katherine Wells

Burton, Wayne M.
Flynn, Edward J.
McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.

Callaghan, Robert J.
Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
Harland, Jane A.

Burling, Peter Hoe
Stamatakis, Carol M.

Flint, Gordon B.

NAYS 226**BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Locke, Matthew J.
Richardson, Lawrence
Vogler, Charles C.

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Saunders, Howard N.

Chase, Russell C.
Olimpio, J. Lisbeth

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Morse, JoAnn T.
Sawyer, Alfred P.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Pearson, Gertrude B.
Young, David A.

Delano, Robert F.
Hill, Douglas E.
Miller, Jeffrey C.
Perry, David M.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald P.

Buckley, C. Fitzgerald, III
Lemire, George
Theriault, Romeo J.

Burns, Harold W.
Marsh, Beaton

GRAFTON

Bean, Pamela B.
Dow, David O.
Hill, Richard L.

Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.

Christy, C. Dana
Eno, Larry E.
Markley, J. Keith

Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Biondi, Christine A.
Brady, Carolyn L.
Culbert, Patrick
Desrosiers, William J.
Drolet, Paul L., Jr.
Fields, Dennis H.
Grip, Robert H.
Harlan, Susan N.
Hunter, Bruce F.
Kelley, Robert N.
Kurk, Neal M.
Lown, Elizabeth D.
McRae, Karen
Murphy, Robert E.
Perham, Lester R.
Riley, Frances L.
Sallada, Roland A.
Steiner, Lee Anne S.
Tyree, Paul M.
Wihby, Linda S.

Alukonis, David J.
Beaupre, Roland O.
Boucher, Lionel R.
Cowenhoven, Garret P.
Daigle, Robert A.
Dodge, Emma M.
Dyer, Merton S.
Goulet, Maurice E.
Guilbert, Lionel
Holden, Carol H.
Jasper, Shawn N.
Klose, John F.
Lachut, Ervin R.
Mason, Howard F.
Moore, Elizabeth A.
Ouellette, Robert O.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Schneiderat, Catherine A.
Stiles, Walter A.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Bicknell, Robert C.
Bowers, Dorothy C.
Cox, Gladys M.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Emerton, Lawrence A., Sr.
Green, Scott E.
Gureckis, Adam C., Sr.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
McNerney, Daniel P.
Morrissette, Roland A.
Pappas, Toni
Record, Alice B.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Daneault, Gabriel
Hayes, Robert C.
Johnson, C. William
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

Apple, Lowell D.
Boucher, Laurent J.
Fair, Patricia A.
Hill, Michael
Kidder, William F.
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert

Barberia, Richard A.
Carter, Susan D.
Fillion, Paul R.
Holmes, Mary C.
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Conroy, Janet M.
Fesh, Robert M.
Flanders, John W., Sr.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
McKinney, Betsy
Raynowska, Bernard J.

Boucher, William P.
Buco, Stephen W.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Palumbo, Vincent J., Jr.
Remick, Barbara R.

Brown, Jeffrey M.
Campbell, Eunice M.
Dube, LeRoy S.
Flanders, Harry E.
Forsythe, Douglas G.
Hoelzel, Kathleen M.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Mace, Ada L.
McCarthy, John J., Jr.
Parsons, Robert F.
Roulston, Donald L.

Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Warburton, Calvin
 Wright, David B.

Senter, Marilyn P.
 Simon, Peter M.
 Tufts, J. Arthur
 Welch, David A.

Seward, Russell G.
 Skinner, Patricia M.
 Vartanian, Elsie
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Frechette, Roland A.
 Marston, Robert E.
 Musler, George T.
 Swope, Warren L.
 Tsiros, William

Dionne, Albert J.
 Kincaid, William K.
 Martling, W. Kent
 Parks, Joe B.
 Torr, Ann M.
 Young, John B.

Foss, Patricia H.
 Kinney, Paula J.
 Meserve, John H.
 Stewart, Glenn W.
 Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Peyron, Fredrik
 and the motion lost.

Domini, Irene C.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Hinrichsen, Keith L.
 Middleton, John A.
 Schotanus, Merle W.

Reps. Gross, Sytek and Marilyn Campbell abstained from voting under Rule 16.
 Resolution adopted.

RECESS

ENROLLED BILLS REPORT

HB 31, recodifying the laws pertaining to the elderly.

HB 97, relative to eligibility for public assistance.

HB 107, relative to food service licensure.

HB 110, relative to low and moderate income housing.

HB 336, relative to senior citizen bingo games.

HB 359, relative to statements of minors in civil cases.

Rep. Mary Ann Lewis
 For the Committee

Regular Calendar (cont.)

HB 563, relative to land surveyors and condominiums. Re-refer to Committee.

This bill would require that floor plans and site plans concerning the unit boundaries of condominiums be certified by a licensed land surveyor as well as a registered architect or engineer. While the Committee believes the bill may have merit, several mechanical problems need to be resolved. Vote 14-3. Rep. Thomas E. Scharff for Municipal and County Government.

Report adopted.

Rep. Lionel Boucher requested a quorum count.

The Speaker declared a quorum present.

HB 637, relative to the conduct of tax sales for failure to pay real estate taxes. Ought to Pass with Amendment.

The statement of intent addresses a very crucial and complex problem confronting many municipalities with a potential financial chaos, affecting property owners, and compounding future problems because of the need to clarify the intent of the existing RSA 80:24. The amended legislation reflects an in-depth study, and a clear statutory interpretation of validity in good faith to concerned parties in actions pertinent to RSA 80:24-a. Vote 16-0. Rep. Paul A. Golden for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes that a question of statutory interpretation has arisen concerning the interest which may be sold in property which is subject to a tax sale. The purpose of this act is to clarify the application of current RSA 80:24 and 80:24-a by combining them into one section and by explicitly stating that when a tax sale takes place, it shall be for the percentage of the common and undivided interest in the whole property that a bidder is willing to offer for the unpaid tax, interest and costs due thereon. The general court finds that such was the intent at the time of passage of the original version and was so commonly understood. Therefore, in order to protect the expectations of persons as to the legal significance of their acts taken under the prior language of these statutes, the general court affirms the validity of tax sales conducted in good faith in accordance with this interpretation of former RSA 80:24 and 80:24-a.

2 Failure to Pay Real Estate Taxes; Conduct of Tax Sale. RSA 80:24 is repealed and reenacted to read as follows:

80:24 Conduct of Sale. Every such sale shall be at auction for the percentage of the common and undivided interest in the whole property that a bidder is willing to offer for the unpaid tax, interest and costs due thereon. No portion of the property shall be sold in severalty by metes and bounds. The sale shall be held in some public place in town where the land is situate and between the hours of 10:00 a.m. and 6:00 p.m. but, if necessary, the sale may be adjourned from day to day, not exceeding 3 days by proclamation made at the place of the sale within the hours stated in this section.

3 Repeal. RSA 80:24-a, relative to the manner of tax sales, is repealed.

4 Severability. If any provisions of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end provisions of this act are severable.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 691-FN, relative to recording of ancient plats. Ought to Pass.

House Bill 691 exempts ancient plats and certain other plats from the requirement of a registered land surveyor's seal. This bill also requires that court decisions affecting property boundaries be filed by the register of deeds. No one appeared in opposition. Vote 16-1. Rep. Lillian E. Soucy for Municipal and County Government.

Ordered to third reading.

HB 758-FN, relative to impact fees. Ought to Pass with Amendment.

Municipalities throughout the state have consistently expressed a strong need and desire for impact fee legislation. Oral and written testimony has been overwhelmingly favorable. The Committee believes that HB 758, as amended, is a fair and equitable impact fee bill. It clarifies a municipality's authority to assess impact fees, sets forth conditions pursuant to which an impact fee ordinance may be adopted and implemented, and provides greater guidance for uniformity regarding the use of impact assessment practices. The amendment, which replaces the bill, is an acknowledgment of the tremendous amount of effort expended on the part of the sponsors of the four bills which were before the Committee, as it incorporates the best features of all four bills into one comprehensive piece of enabling legislation. Vote 16-1. Rep. Karen O. Wadsworth for Municipal and County Government.

Rep. Rose moved that the words, Re-refer to Committee, be substituted for the Committee report, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Wadsworth, McCann and Palumbo spoke against the motion and yielded to questions.

Rep. Rodgers, LaMott, Lionel Boucher and David Young spoke in favor of the motion and yielded to questions.

Rep. Grodin yielded to questions.

Rep. Guest moved the previous question.

Motion adopted.

A roll call was requested. Sufficiently seconded.

YEAS 70

NAYS 282

YEAS 70

BELKNAP

Locke, Matthew J.
Richardson, Lawrence

Pearson, Ralph W.
Turner, Robert H.

Randall, Kenneth A.
White, James J.

CARROLL

Chandler, Gene G.

MacDonald, Kenneth J.

CHESHIRE

Delano, Robert F.

Morse, JoAnn T.

Young, David A.

COOS

Buckley, C. Fitzgerald, III

Lemire, George

GRAFTON

Brown, Channing T.
Eno, Larry E.
Rose, William B.

Christy, C. Dana
LaMott, Paul I.

Dow, David O.
Markley, J. Keith

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Dyer, Merton S.
Goulet, Maurice E.
King, John A.
Lawrence, Norman B.
Lozeau, Donnalee M.
Ouellette, Robert O.
Rodgers, G. Philip
Wheeler, David K.

Boucher, Lionel R.
Dodge, Emma M.
Fields, Dennis H.
Jean, Romeo W.
Kress, Gloria W.
Lefebvre, Roland J.
Morrissette, Roland A.
Provost, Gilles R.
Soucy, Lillian E.
Wright, George W.

Bourque, Ann J.
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Kelley, Robert N.
Lachut, Ervin R.
Long, Linda D.
Murphy, Robert E.
Riley, Frances L.
Upton, Barbara A.
Young, Willard N.

MERRIMACK

Smith, Gerald R.

ROCKINGHAM

Cooke, Annette M.
Gage, Beverly A.
Pantelakos, Laura C.
Schmidtchen, Rowland
Welch, David A.

Dube, LeRoy S.
Gourdeau, Raymond H.
Remick, Barbara R.
Simon, Peter M.

Fesh, Robert M.
Katsakiores, George N.
Roulston, Donald L.
Vartanian, Elsie

STRAFFORD

Kinney, Paula J.
Torr, Ralph W.

Parks, Joe B.

Swope, Warren L.

SULLIVAN

Brodeur, Robert J.

Domini, Irene C.

NAYS 282**BELKNAP**

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Rosen, Ralph J.

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Chase, Russell C.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Barber, Robert E., Jr.
Cole, Stacey W.
Foster, Katherine D.
Hill, Douglas E.
Laurent, John J.
Miller, Jeffrey C.
Pratt, Irene A.

Blacketor, Paul G.
Crutchley, Donald O.
Gordon, Irvin H.
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Kenneth A.
Doucette, Richard F.
Grodin, Richard A.
LaMar, David M.
Metzger, Katherine H.
Perry, David M.
Spear, Susan S.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

Burns, Harold W.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Horton, Lynn C.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Densmore, Edward D.
Hill, Richard L.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
Chambers, Mary P.
Driscoll, William J.
Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Bicknell, Robert C.
Burkush, Peter A.
Culbert, Patrick
Desrosiers, William J.
Drabinowicz, A. Theresa
Dykstra, Leona
Ford, Nancy M.
Genest, Fernand A.
Guilbert, Lionel
Harlan, Susan N.
Hultgren, David D.
Jenkins, Mary
Klose, John F.
Lown, Elizabeth D.

Amidon, Eleanor H.
Barry, Vivian
Biondi, Christine A.
Cowenhoven, Garret P.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Hunter, Bruce F.
Johnson, Lionel W.
Knight, Alice Tirrell
Mason, Howard F.

Baldizar, Barbara J.
Barry, William M.
Brady, Carolyn L.
Cox, Gladys M.
Desrochers, Gerard T.
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Jasper, Shawn N.
Keefe, Edmund M.
Kurk, Neal M.
McCann, Bonnie Lou

McDowell, James E.
 Messier, Irene M.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Toomey, Daniel
 Vanderlosk, Stanley R.

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Pantzer, Eugene E.
 Shaw, Randall F.
 Trombly, Rick A.
 Whittemore, James A.

Anderson, Carl F., III
 Blanchard, MaryAnn N.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Hollingworth, Beverly A.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Skinner, Patricia M.
 Sytek, Donna P.
 Warburton, Calvin

Appleby, James E.
 Callaghan, Robert J.
 Flynn, Edward J.
 Gilmore, Gary R.

McNerney, Daniel P.
 Moore, Elizabeth A.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Turgeon, Roland M.
 Wihby, Linda S.

MERRIMACK

Apple, Lowell D.
 Beaton, Nancy C.
 Carter, Susan D.
 Fair, Patricia A.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Soldati, Jennifer
 Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
 Boucher, William P.
 Bucu, Stephen W.
 Caswell, Albert, Jr.
 Flanagan, Natalie S.
 Ford, Bert H.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Palumbo, Vincent J., Jr.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Seward, Russell G.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.
 Foss, Patricia H.
 Keans, Sandra B.

McRae, Karen
 Nardi, Theodora P.
 Pappas, Toni
 Pignatelli, Debora B.
 Reidy, Frank J.
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Tyree, Paul M.

Barberia, Richard A.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.
 West, George M.

Benton, Richardson D.
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Conroy, Janet M.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Sherburne, John L.
 Splaine, John E., Sr.
 Vaughn, Charles L.

Burton, Wayne M.
 Flynn, Anita A.
 Frechette, Roland A.
 Kincaid, William K.

Marston, Robert E.
Merrill, Amanda A.
O'Brien, John
Spencer, Leo J.
Tsiros, William
Young, John B.

Martling, W. Kent
Meserve, John H.
Pelley, Janet R.
Stewart, Glenn W.
Wall, Janet G.

McCann, William H., Jr.
Musler, George T.
Scharff, Thomas E.
Sullivan, Henry P.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Harland, Jane A.
MacAskill, Kenneth M.
Schotanus, Merle W.

Burling, Peter Hoe
Hinrichsen, Keith L.
Middleton, John A.
Stamatakis, Carol M.

Flint, Gordon B.
Krueger, Richard H.
Peyron, Fredrik

and the motion lost.

Rep. Haynes abstained from voting under Rule 16.

Question now being the adoption of the Committee amendment.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Impact Fee Authorization. Amend RSA 674 by inserting after section 8 the following new subdivision:

Impact Fee Authorization

674:8-a Purpose. Municipalities within the state have experienced rapid growth and development which have increased costs for improvement to municipal infrastructures and public facilities. To assist in the costs of such improvements, many municipalities impose upon developers various types of impact fees. This subdivision is intended to clarify a municipality's authority to assess such impact fees, set forth conditions pursuant to which an impact fee ordinance may be adopted and implemented, and provide greater guidance for uniformity regarding the use of impact assessment practices.

674:8-b Definitions. As used in this subdivision:

I. "Capital improvement" means only the following public facilities or assets that are owned or operated or owned and operated, by a municipality, whether individually or cooperatively with other governmental entities:

- (a) Water treatment and distribution facilities.
- (b) Wastewater treatment and disposal facilities.
- (c) Sanitary sewers.
- (d) Storm water, drainage and flood control facilities.
- (e) Public road systems and rights of way.
- (f) Public parks, public open space, and recreation facilities.
- (g) Public school facilities.
- (h) Police, emergency medical, rescue, and fire protection facilities.
- (i) Solid waste collection, transfer, recycling, processing and disposal facilities.
- (j) Other public facilities owned or operated or owned and operated by a municipality, the need for which may be substantially attributed to new development.

The term "capital improvement" is further limited to those improvements that are treated as capitalized expenses according to generally accepted accounting principles and that have an expected useful life of no less than 5 years. "Capital improvement" does not include costs associated with the operation, repair, or maintenance of capital improvements, or with capital improvement replacements which do not increase the

capacity or level of service, but it does include reasonable costs for planning, design, engineering, land acquisition and other costs directly associated with the capital improvements described in this paragraph.

II. "Capital improvement program" means a plan developed by a municipality consistent with RSA 674:5-7 which identifies the need for public facility capital improvements, the estimated cost of such improvements, and proposed funding sources. The plan shall specify the level of service standards adopted by the municipality for each type of facility which is to be the subject of an impact fee, and such standards shall apply equally to existing and new development. A capital improvement program shall cover at least a 5-year period.

III. "Impact fee" means any charge, fee or assessment imposed upon new development by a municipality to fund all or a portion of the public facilities capital improvement occasioned by the new development from which it is collected or to recoup the cost of existing public facilities capital improvements made in anticipation of the needs of new development. Land dedications or provision of public facilities capital improvements which exclusively benefit new development are not considered as credits against impact fees for the purposes of this subdivision.

IV. "New development" means any building activity, any material alteration of the use or appearance of any structure or land, or any subdivision of land into 2 or more parcels, which would result in capital improvement expenditures.

V. "Proportionate share" means that portion of the cost of capital improvements that is reasonably attributable to new development, as determined and adjusted pursuant to RSA 674:8-d.

VI. "Reasonable benefit" means a benefit received from the provision of a capital improvement that is greater than that to be received by the general public within the jurisdiction of the local government imposing impact fees. The receipt of an incidental benefit by other developments shall not be construed as denying a reasonable benefit to new development.

674:8-c Authority to Impose Impact Fees. The municipalities of this state which have adopted a master plan, zoning ordinance and capital improvements program are hereby authorized, through the adoption of an ordinance pursuant to the provisions of RSA 675:2-5, to assess, impose, and collect impact fees for all new development within their jurisdictional limits, provided that needs for capital improvement are reasonably attributable to new development, that impact fees do not exceed a proportionate share of the municipality's capital improvement costs to accommodate new development, and that new development will receive a reasonable benefit from capital improvements to be financed by impact fees. Impact fees may be imposed and expended only for those types of public facility capital improvements specifically identified in or covered by a capital improvements program, unless the development under consideration requires a capital improvement which reasonably could not have been foreseen by the municipality when it prepared the capital improvements program. The planning board shall be the designated body to assess and impose the impact fees. The governing body of the municipality shall collect and administer the impact fees.

674:8-d Establishment of Impact Fees.

I. Impact fees shall not exceed a proportionate share of the cost of providing capital improvements for which the need is reasonably attributable to those developments that pay the fees. Notwithstanding other provisions of this subdivision, impact fees may include a proportionate share of the cost of existing capital improvements

where it is shown that all or a portion of existing capital improvements were provided in anticipation of the needs of new development.

II. In determining a proportionate share of capital improvement costs, the following factors, when applicable, shall be considered:

(a) The need for capital improvements required to serve new development, as reflected in a capital improvement program which shows:

(1) Any current deficiencies in capital facilities serving existing development, in light of the level of service standards specified in the capital improvement program, and the means by which such existing deficiencies will be eliminated within a reasonable period of time by means other than impact fees; and

(2) Any additional demands anticipated to be placed on specified capital facilities by new development.

(b) The availability of other means or sources of revenue to fund capital improvements including, but not limited to, user charges, taxes, intergovernmental transfers and other revenue, and special taxation or assessment districts.

(c) The cost of existing capital facilities.

(d) The method by which the existing capital facilities were financed.

(e) The extent to which new developments required to pay impact fees have already contributed to the cost of the existing capital improvements for which there was no reasonable benefit to that new development and any credits or offsets that may be due new developments because of such past contributions.

(f) The extent to which new developments required to pay impact fees will contribute to the cost of the existing capital improvements in the future through user fees, debt service payments, taxes, or other payments toward the cost of existing capital improvements, that may be reasonably anticipated and any credits or offsets that may be due new developments because of such future contributions.

(g) The extent to which a new development is required as a condition of development or construction approval to construct or dedicate capital improvements, or both, of which the total benefit does not accrue to that development, and any offsets due the new development because of such construction or dedication.

(h) The extent to which any of the factors in RSA 674:8-d, II(a)-(g) may be affected by time-price differentials.

III. Impact fees that are assessed against new development shall be assessed in such a manner that new developments having the same approximate need for capital improvements shall be assessed the same approximate impact fee. This goal may be achieved through the designation of impact areas or districts specially benefitted by particular capital improvements.

IV. Provisions of this subdivision notwithstanding, a municipality may contribute from the general or other non-impact fee funds all or part of the impact fee assessed against certain new development that achieves other public purposes, including, but not limited to, the provision of affordable housing, the retention of existing employment, or the generation of new employment.

674:8-e Use and Administration of Impact Fees.

I. When impact fees are collected for capital improvements to be undertaken by a governmental entity different from the municipality collecting the fee, the collecting entity shall enter into agreements with the governmental entity that will make the capital improvements to ensure compliance with the provisions of this subdivision.

II. Impact fee receipts shall be specifically earmarked and accounted for as provided in RSA 673:16, II. The municipality's annual financial reports shall include an

accounting for each impact fee account or fund showing the source and amount of all funds collected, earned, or received and the capital improvements which were funded in whole or in part by impact fees.

III. Impact fees shall be expended only in conformance with the capital improvement program, master plan, zoning ordinance, subdivision regulations, and site plan review regulations. Fees received shall be expended or encumbered within 8 years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than 8 years. Such extraordinary or compelling reasons shall be identified and the municipality's governing body shall find that such exists on the record.

674:8-f Refund of Unexpended Impact Fees.

I. The current owner of property on which an impact fee has been paid may apply for a refund of such fees plus any accrued interest. The refund shall be owed when the municipality has failed within the period of time established pursuant to RSA 674:8-e, III, to expend or encumber impact fees on capital improvements intended to benefit the development that paid the fees. The municipality shall notify, by publication in a newspaper of local circulation, and by first class mail deposited with the United States Postal Service at the last known address, the owner of record according to the municipality's current tax records. Only the current owner of the property may apply for the refund. Application for the refund shall be submitted to the municipality within one year of the date the right to claim the refund arises. All refunds due and not claimed shall be retained in the special fund and expended on or encumbered for capital improvements occasioned by other developments, as required in RSA 674:8-d, I, except as provided in RSA 674:8-f, II. This right to claim a refund may be limited by the provisions of RSA 674:8-d, II and III.

II. When a municipality, by vote pursuant to RSA 675:2-5, rescinds its action authorizing impact fees, all unexpended or unencumbered funds, plus any accrued interest, shall be refunded pursuant to RSA 674:8-f, I. Upon the finding that any or all fee requirements are to be terminated, the municipality shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least 2 times and shall notify all potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be transferred to the general fund and used for any public purpose. A municipality is released from this notice requirement if there are no unexpended or unencumbered balances within a fund or funds being terminated.

674:8-g Adoption of Impact Fee Ordinances. No later than July 1, 1991, municipalities shall conform all impact fee ordinances to the provisions of this subdivision, and impact fees shall be imposed only in a manner consistent with this subdivision. Non-conformity with this subdivision of impact fees assessed prior to July 1, 1991, shall not constitute grounds for challenging the validity of such fees.

674:8-h Time of Assessment, Collection, and Appeals of Impact Fees. All impact fees imposed pursuant to this subdivision shall be assessed prior to or as a condition for the issuance of a building permit or other appropriate permission to proceed with development, and collected in full no later than the issuance of a certificate of occupancy or other final action authorizing the intended use of the structure. The municipality shall have the option to select the time of assessment and collection consistent with this section. The amount of any required fee may be appealed in the manner provided for appealing administrative decisions pursuant to RSA 676:5 and RSA 677.

674:8-i Impact Fee Assessment Costs. The reasonable costs to the municipality of determining and administering the impact fees for new development may be included in the fees assessed.

674:8-j Advance and Reimbursement. A developer may agree to advance to the municipality, for purposes of particular capital improvements, some amount greater than his proportional share of impact fees as determined by this subdivision, subject to an obligation by the municipality to reimburse that developer, or his successors in interest, any impact fees subsequently paid by other development benefitted by the capital improvement for which the advancement was made.

674:8-k Premature Development. Nothing in this subdivision shall be construed so as to limit the existing authority of a planning board to provide against development which is scattered or premature, requires the excessive expenditure of public funds, or otherwise violates valid regulations adopted pursuant to RSA 674:36 and RSA 674:44, and to either deny subdivision or site plan approval to such development, or to impose conditions of approval designed to mitigate the effects of such development which would otherwise justify disapproval.

674:8-l Regional Planning Commission Technical Assistance. The office of state planning and the regional planning commissions and councils shall provide technical assistance and educational materials to assist municipalities in the development, adoption, and implementation of impact fee ordinances.

2 Custody of Impact Fees. Amend RSA 41:29 to read as follows:

41:29 Duties. The town treasurer shall have custody of all moneys belonging to the town, and shall pay out the same only upon orders of the selectmen, or, in the case of a conservation fund established pursuant to RSA 36-A:5, upon the order of the conservation commission, *or, in the case of fees held pursuant to RSA 673:16, II, upon the order of the local governing body or its designated agent*. He shall deposit all such moneys in solvent banks in the state, except that funds may be deposited in banks outside the state if such banks pledge and deliver to the state treasurer as collateral security for such deposits United States government obligations, United States government agency obligations, or obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case. Said out-of-state banks shall make a monthly report of such deposits to the state treasurer. The amount of collected funds on deposit in any one bank shall not for more than 20 days exceed the sum of its paid-up capital and surplus. The town treasurer shall keep in suitable books provided for the purpose a fair and correct account of all sums received into and paid from town treasury, and of all notes given by the town, with the particulars thereof. At the close of each fiscal year, he shall make a report to the town, giving a particular account of all his financial transactions during the year. He shall furnish to the selectmen statements from his books, and submit his books and vouchers to them and to the town auditors for examination, whenever so requested. Whenever the town treasurer has in his custody an excess of funds which are not immediately needed for the purpose of expenditure, he shall, with the approval of the selectmen, invest the same in obligations of the United States government, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire or in certificates of deposits of banks incorporated under the laws of the state of New Hampshire or in national banks located within this state or the state of Massachusetts.

3 Use of Fees. Amend RSA 673:16 to read as follows:

673:16 Staff; Finances.

I. Each local land use board may appoint such employees as it deems necessary for its work who shall be subject to the same employment rules as other corresponding civil employees of the municipality. Each board may also contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the board, exclusive of gifts or reimbursements, shall be within the amounts appropriated for the purpose by the local legislative body, which may provide such funds, equipment, and accommodations as it deems necessary or advisable for the board's work. Each board may accept and use gifts, grants, or contributions for the exercise of its functions, in accordance with procedures established for the expenditure of funds within the municipality.

II. Any fee which a local land use board, acting pursuant to this title, lawfully imposes upon an applicant for a permit or approval under this title, including, but not limited to, fees for notice, fees for administrative expenses or investigative studies under RSA 676:4, I(g), fees to cover construction of streets, utilities or other improvements lawfully required as a condition of a permit or approval, or impact fees pursuant to RSA 674:8-a through RSA 674:8-l:

(a) May be expended only for the purpose for which it was imposed upon the applicant.

(b) Whenever held by the municipality, shall be placed in the custody of the municipal treasurer, subject to the same investment limitations as for other municipal funds.

(c) Shall be held in a separate, nonlapsing, interest-bearing account, and not commingled with other municipal funds; provided, however, that such fees may be used to reimburse any account from which an amount has been spent in anticipation of the receipt of said fees.

(d) May be expended without approval of the local legislative body, and shall be paid out by the municipal treasurer only upon order of the local governing body or its designated agent for such purpose.

4 Impact Fee Ordinance. Amend RSA 674:5 to read as follows:

674:5 Authorization. In a municipality where the planning board has adopted a master plan, the local legislative body may authorize the planning board to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. The capital improvements program may encompass major projects being currently undertaken or future projects to be undertaken with federal, state, county and other public funds. The sole purpose and effect of the capital improvements program shall be to aid the mayor and the budget committee in their consideration of the annual budget, *except upon adoption of an impact fee ordinance, in which case the capital improvements program shall be used as provided in RSA 674:8-a through RSA 674:8-l.*

5 Town Council Adoption of Impact Fee Authorization. Amend RSA 675:2 to read as follows:

675:2 Method of Enactment in Cities and Towns Operating Under Town Council Form of Government.

I. In cities or in towns operating under the town council form of government, the local legislative body shall determine the manner in which a zoning ordinance, historic district ordinance, *impact fee ordinance*, or a building code is established and amended; provided, however, that any question concerning the establishment and amendment of a zoning ordinance, historic district ordinance, *impact fee ordinance*,

or a building code may be placed on a ballot separate from the ballot used to elect city or town officers.

II. No zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code shall be established or amended until after a public hearing is held in accordance with the procedures required under RSA 675:7 on the proposed zoning ordinance, historic district ordinance, *impact fee ordinance*, building code or amendment.

6 Town and Village District Adoption of Impact Fee Authorization. Amend RSA 675:3, I to read as follows:

I. Any town not operating under the town council form of government, or any village district which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in paragraph VII. Any proposed zoning ordinance, as submitted by a planning board or any amendment to an existing zoning ordinance as proposed by a planning board, board of selectmen or village district commission shall be submitted to the voters of a town or village district in the manner prescribed in this section.

7 Impact Fee Ordinance Included. Amend RSA 675:3, II to read as follows:

II. No zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code shall be established or amended at a town or village district meeting until after the planning board holds at least one public hearing on the proposed ordinance, code or amendment. Notice for the time and place of each public hearing shall be the same as that provided in RSA 675:7.

8 Impact Fee Ordinance Included. Amend RSA 675:3, V to read as follows:

V. Official copies of the final proposal to adopt or amend the zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code shall be placed on file and made available to the public at the town or village clerk's office 4 weeks prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

9 Impact Fee Ordinance Included. Amend RSA 675:3, VII to read as follows:

VII. If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by having the town or village district clerk prepare an official ballot separate from the official ballot used to elect town or village district officers which shall include the following question, or by including the following question on the official ballot as prepared by the town or village district clerk: "Are you in favor of the adoption of the zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code (or amendment to the existing town (village district) zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code) as proposed by the planning board?" In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No..... as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance, *impact fee ordinance*, or building code) as follows: (Here insert topical description of substance of amendment.)?" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above

stated, and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot used to elect town or village district officers for the use of voters in voting on the question. If a majority of the voters present and voting on any question as [herein] provided shall vote in the affirmative, the ordinance or amendment [thereto] *to an ordinance* shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

10 Adoption of Impact Fee Authorization by Petition. Amend RSA 675:4. I to read as follows:

I. Twenty-five or more voters may petition for an amendment to a zoning ordinance, historic district ordinance, *impact fee ordinance*, or a building code. Petitioned amendments shall be voted only at the annual town or village district meeting. A petition to amend a zoning ordinance, historic district ordinance, *impact fee ordinance*, or a building code shall be submitted to the board of selectmen or the village district commissioners during the period between 120 and 90 days prior to the annual town or village district meeting. The petition shall be in correct warrant article form, as determined by the selectmen or village district commissioners, to amend the zoning ordinance, historic district ordinance, *impact fee ordinance*, or building code. The selectmen or the village district commissioners shall submit the petitions to the planning board in a timely manner.

11 Adding Impact Fee Ordinances. Amend RSA 675:8 to read as follows:

675:8 Filing of Zoning Ordinances, Historic District Ordinances, Building Codes, Subdivision Regulations, Site Plan Review Regulations, *Impact Fee Ordinances*, and Amendments. All zoning ordinances, historic district ordinances, building codes, subdivision regulations, site plan review regulations, historic district regulations, *impact fee ordinances*, and their amendments shall be placed on file with the city, town, or village district clerk for public inspection.

12 Filing Impact Fee Ordinances. Amend RSA 675:9. I to read as follows:

I. A copy of each master plan, zoning ordinance, historic district ordinance, capital improvement plan, building code, subdivision regulation, historic district regulation, site plan review regulation, *impact fee ordinance*, or amendment which is adopted by a municipality shall be placed in a central file with the office of state planning; provided, however, that failure to file these documents or amendments with the office of state planning shall not affect the validity of the document.

13 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill authorizes municipalities to assess impact fees on developers. The bill describes methods for calculation, expenditure, administration, and refund of impact fees.

The bill also makes technical changes in existing law to provide municipalities with methods of adopting, filing and implementing impact fees.

This bill is a request of the governor.

Amendment adopted.

Ordered to third reading.

HB 277-FN. to prohibit after market tinting on windshields and on certain windows of motor vehicles. Ought to Pass with Amendment.

The intent of this bill is for the safety of any law enforcement officer. An occasion may arise where a police officer cannot see clearly the occupant or occupants of a motor vehicle that has after market tinting on all glass area. This bill allows after market tinting on specific areas of glass, but limits the light transmittance on any motor vehicle registered and driven in this state. Vote 15-0. Rep. Thaddeus E. Klemarczyk for Transportation.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section: Tinted Glass. Amend RSA 266 by inserting after section 58 the following new section:

266:58-a Tinted Glass.

I. It shall be unlawful to sell or inspect any motor vehicle in this state which has after market tinting on the windshield or on the windows to the left and right of the driver.

II. It shall be unlawful to install after market tinting on the windshield or on the windows to the left and right of the driver on any motor vehicle which is registered in this state.

III. It shall be unlawful to drive on any way any motor vehicle registered in this state which has after market tinting on the windshield or on the windows to the left and right of the driver. Where after market tinting is applied to windows to the rear of the driver, outside rear view mirrors shall be required on both the left and right side of the vehicle for the use of the driver and a front seat passenger. The light transmittance of after market tinted windows where they are allowed shall not be less than 35 percent.

IV. The commissioner shall adopt rules under RSA 541-A relative to the administration and enforcement of this section.

V. Nothing in this section shall be construed to prohibit after market tinting of the windshield of a vehicle with a strip not wider than 6 inches located at the very top of the windshield, provided that the light transmittance of the strip shall not be less than 35 percent.

VI. Any natural person or any other person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill makes it a violation to sell, inspect, or drive a motor vehicle registered in this state with after market tinting on the windshield or on the windows to the left and right of the driver.

The bill does, however, permit after market tinting of the windshield of a vehicle with a strip not wider than 6 inches located at the very top of the windshield, provided that the light transmittance of the strip is not less than 35 percent.

Amendment adopted.

Ordered to third reading.

HB 504. relative to public and congregate mooring fields. Re-refer to Committee.

The process of applying and receiving permission to place moorings is time consuming and costly. The sponsors wished to shorten this process. The Committee needs time to review this bill. Vote 15-0. Rep. James J. White for Transportation.

Report adopted.

HB 505, relative to speed limits on state roads in towns. Ought to Pass with Amendment.

This bill, as amended, would allow the governing body of a municipality to petition the Commissioner of Transportation to reduce the speed limit within the compact part of cities or towns to no less than 25 miles per hour. The present law provides for a speed limit of not less than 30 miles per hour. The Committee felt there are sections of compact areas that should have speeds less than 30 mph. Vote 15-0. Rep. Roger Stewart for Transportation.

Amendment

Amend section 1 of the bill by replacing it with the following:

1 New Paragraph; Establishment of State Speed Laws. Amend RSA 265:62 by inserting after paragraph III the following new paragraph:

IV.(a) The commissioner of transportation, upon the petition of the governing body of a municipality shall determine if any prima facie speed limit herein before set forth should be reduced to provide reasonable and safe conditions upon any part of the state highway system within the compact part of cities or towns; provided, however the resulting speed limit shall not be less than 25 miles per hour.

(b) The petition shall designate the area of the state highway system and the reasons for the reduction in the speed limit. The review of the petition shall include an engineering and traffic investigation and consultation with the petitioners. The commissioner shall provide the petitioners, in writing, the results of his findings. The commissioner may recommend a decrease in the posted prima facie speed limit, but in no case shall the resulting speed limit be below 25 miles per hour.

Rep. White yielded to questions.

Rep. Warburton spoke against the Committee Report.

Amendment adopted.

Ordered to third reading.

HB 529, relative to the definition of ski craft, to be known as "personal watercraft." Majority: Inexpedient to Legislate. Minority: Re-refer to Committee.

MAJORITY: This bill would change the term "ski craft" to "personal watercraft," and would expand the definition. The Committee believes that the term "ski craft" is adequate to define jet skis and similar devices. Vote 11-4. Rep. Richard L. Haynes for the Majority of Transportation.

MINORITY: The minority is mindful of the emotional attachment to the issue of "ski craft" or "personal watercraft" throughout the state. A public hearing held by the legislatively enacted study committee attended by nearly 600 citizens showed a 50-50 split for and against ski craft legislation. The minority recognizes the many facets to the issue and has concluded that to best address this bill (HB 529) and most other "ski craft" issues as this Committee has done, to move all related legislation to re-referral status until the issue is comprehensively addressed, after thorough evaluation and review, in subsequent legislation.

Further, the minority is fully aware that current safety services hearing procedures are not working, that further action should be taken to assure all parties to the issue are adequately and fairly addressed through subsequent action. The minority supports a re-referral recommendation. As a footnote, the state of Maine has killed all "jet ski"

bills and said they will not be a party to a "hysterical climate." Reps. George N. Katsakiores, Keith Markley and Gerald T. Desrochers for the Minority of Transportation.

Resolution adopted.

HB 587-FN, relative to license plates and decals for persons with walking disabilities. Ought to Pass with Amendment.

The sponsor, and those who testified, clearly indicated the need to adjust the requirements to qualify for handicapped plates. The amendment allows that an individual with a handicapped person living in the household may furnish satisfactory proof to the Director of Motor Vehicles to receive and use a handicapped plate. Vote 15-0. Rep. James J. White for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to license plates and decals for
relatives of handicapped persons.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Handicapped Person Defined. Amend RSA 259 by inserting after section 39 the following new section:

259:39-a Handicapped Person. "Handicapped person," as used in RSA 261:88, shall mean a nondriver who is physically handicapped and who is a member of a household where a member of the household is a licensed driver.

2 Handicapped Plates. Amend RSA 261:88 to read as follows:

261:88 Walking Disability *and Handicapped* Plates and Cards.

I.(a) The director shall design and issue, with approval of the commissioner, special number plates which shall incorporate the international accessibility symbol and shall make such plates available as an optional number plate to be used on motor vehicles:

(1) Owned by a person with a walking disability[; or].

(2) Owned by a person who is a resident of this state who has a handicapped person living in his household who is an nondriver. The owner of the motor vehicle shall furnish the director satisfactory proof of the physical handicap by means of a doctor's letter, that the person is a member of the owner's household, and of the dependency of such person on the owner as his primary means of transportation. The director shall adopt rules, under RSA 541-A, relative to what constitutes a physically handicapped person.

[(2)] (3) Owned by an organization in the private or public sector that is primarily engaged in a business in this state involving care, treatment, rehabilitation, or transportation of persons with walking disabilities.

(b) An applicant for such special plates shall furnish the director with satisfactory proof that he meets the requirements of subparagraph (a)(1), (2) or [(2)] (3) of this paragraph. Upon request and for a fee of \$1.50 per plate, the director shall exchange such special plates for regular plates currently issued to an applicant who qualifies for special plates.

(c) In lieu of special plates, a person who would qualify for such plates shall upon request and for a fee of \$1 per decal, receive a decal incorporating the international accessibility symbol. The size of the decal shall be the same size as the registra-

tion decal, and shall be placed on the lower right-hand corner of the number plate. The decal shall be valid for as long as the plate to which it is affixed shall be issued to the person or the relative of the person with such disability *or handicap*, provided the disabling *or handicapping* condition which necessitated it continues.

II. The director shall design and issue, with approval of the commissioner, vanity number plates to be used on motor vehicles owned by persons qualified to receive special number plates under paragraph I. The vanity number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, provided that the plates shall incorporate the international accessibility symbol and that there shall be no duplication of identification. The vanity number plates shall be issued only upon application and upon payment of the special fee established in RSA 261:89. All special fees collected under this section shall be distributed as provided in RSA 261:89.

III. Upon application, the department shall furnish a card without charge to a person with a walking disability *or to the owner of a motor vehicle meeting the requirements of subparagraph I(a)(2)* who furnishes satisfactory proof of such disability *handicap* to the director. This card shall be placed on the dashboard of a motor vehicle so that it may be read through the windshield when such motor vehicle is parked. The card shall be of such design as the director shall determine; provided, however, that said design shall incorporate the international accessibility symbol. Such card shall be renewed upon certification by the holder of such card, on a form provided by the director, that the disability *or handicap* which necessitated it continues.

IV. A person with a temporary walking disability shall be issued a card only.

V. Any person who finds or has reason to believe that such special plate, decal, or card is being improperly used may report any such violation to the department. Any police officer of a city or town who finds that such special plate, decal, or card is being improperly used shall report such violation to the department. The director may, at his discretion, revoke such special plate, decal, or card for violation of any provision of law related to the use of walking disability *or handicap* plates, decals, or cards.

VI. The commissioner shall appoint an advisory committee to review complaints regarding such special plates, decals, or cards, to review applications for such plates, decals, or cards, to hear appeals of denials of such plates, decals, or cards, and to otherwise advise him on matters related to the administration of this section.

3 Prohibited Parking; Handicapped Plates. Amend RSA 265:69, I(j) to read as follows:

(j) In any parking place, whether on public or private property, specially designated for [a person with a walking disability] *handicapped persons* by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability *or physical handicap* or displaying the international accessibility symbol, unless that person has special number plates, decals, or a card issued pursuant to RSA 261:86, 87 or 88, or a similar license plate, decal, or card issued by another state or country displaying the international accessibility symbol and the person who qualifies for the plate, decal, or card is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of \$50.

4 Parking Privileges; Physical Handicap. Amend RSA 265:74 to read as follows:

265:74 Parking Privileges for Persons with Walking Disability *or Physical Handicap*. Any motor vehicle carrying the special plates, decals, or card issued to a person [with a walking disability] *who qualifies for such plates, decals or card* under RSA 261:88, or a similar license plate, decal, or card issued by another state or country displaying the international accessibility symbol shall be allowed free parking in any city or town, including any state or municipal parking facility where a fee is charged, for a continuous period of not more than 24 hours. The free parking shall only be allowed if the person [who qualifies for] *on whose behalf* the plate, decal, or card *was obtained* is being transported in the vehicle to or from the parking place.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits the owner of a motor vehicle to receive special handicapped number plates if he has a handicapped person living in his household who is a nondriver.

Amendment adopted.

Ordered to third reading.

HB 703, relative to personal watercraft. Inexpedient to Legislate.

This bill would replace the term "ski craft" with "personal watercraft," establish a hearings bureau and a boating advisory board, and would repeal the prohibition of ski craft on certain lakes and ponds. The Committee believes that the issues in this bill are adequately addressed by current law and other proposed legislation before the General Court. Vote 13-3. Rep. Richard L. Haynes for Transportation.

Resolution adopted.

HB 716, to codify certain boating and water safety rules. Inexpedient to Legislate.

House Bill 716, an ambitious undertaking, lacked clarity in many sections and in many incidents sections contradicted each other. The bill did not clearly comply with the sponsors' intent. Vote 15-0. Rep. James J. White for Transportation.

Rep. Maviglio moved that the words, Re-refer to Committee, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. White spoke against the motion.

On a voice vote, the Chair being in doubt, called for a division.

205 members having voted in the affirmative, and 118 in the negative, the motion was adopted.

Report adopted.

HB 574-FN, relative to licensure of mental health professionals. Ought to Pass with Amendment.

This bill is the result of extensive study committee and legislative work going back to 1986. It will provide for licensure of recognized mental health practitioners to protect the public from the unqualified. Unlike last year's SB 170, HB 574 has no provisions affecting insurance. The amendment makes doubly certain that the bill does not interfere with the free practice of non-conventional disciplines and alternative therapies. Vote 9-3. Rep. Richard H. Campbell, Jr. for Executive Departments and Administration.

Amendment

Amend RSA 330-C:1 as inserted by section 1 of the bill by replacing it with the following:

330-C:1 Purpose. The purpose of this chapter is to regulate mental health services provided by private practitioners in the state to assure that the services are effective and of a quality consistent with the standard of care within each respective profession and to safeguard the public against harm which may be caused by the untrained or unskilled practitioner. Specifically, this chapter applies only to mental health practitioners as defined in RSA 330-C:2, III while they are providing mental health services to persons having mental disorders as defined in RSA 330-C:2, II.

Amend RSA 330-C:2 as inserted by section 1 of the bill by replacing it with the following:

330-C:2 Definitions. In this chapter:

I. "Board" means the board of mental health practice.

II. "Mental disorder" means a diagnosis specified in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or an equivalent of such manual as determined by the board.

III. "Mental health practitioner" means a psychiatrist as defined in RSA 135-C:2, XIII; an advanced registered nurse practitioner as defined in RSA 326-B:2, II practicing in the area of psychiatry; a psychologist, pastoral psychotherapist, clinical social worker or clinical mental health counselor as licensed under this chapter; or any person offering mental health services to the public under any descriptive designation that includes the phrase "mental health" or the syllable "psych".

IV. "Mental health service" means:

(a) The observation, description, evaluation, interpretation, diagnosis, and modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.

(b) Psychological testing, evaluation and clinical counseling;

(c) Psychoanalysis;

(d) Psychotherapy;

(e) Hypnosis, biofeedback, behavioral analysis and therapy;

(f) Diagnosis and treatment of mental and emotional disorders or disabilities, alcoholism and substance abuse, and disorders of habit or conduct;

(g) Diagnosis and treatment of the psychological aspects of physical illness, accident, injury, or disability; and

(h) Psychoeducational evaluation, therapy, remediation, and consultation.

V. "Peer review" means a review of competence conducted by a person's colleagues.

Amend RSA 330-C:5, II as inserted by section 1 of the bill by replacing it with the following:

II. The initial appointments of psychologists, pastoral psychotherapists, and social workers to these boards shall be persons who were certified under the relevant categories under RSA 330-A immediately prior to the effective date of this section. The initial appointments of clinical mental health counselors shall be made from persons who meet the eligibility requirements of RSA 330-C:14, IV immediately prior to the effective date of this section and shall be from among those currently certified by the National Academy of Certified Clinical Mental Health Counselors. The initial appointment of the public member to each licensing board shall be a

person who is not, and never was, a mental health practitioner, or the spouse of any such person, and who does not have, and never has had, a material financial interest in either the provision of mental health services or an activity directly relating to mental health services.

Amend RSA 330-C:21 as inserted by section 1 of the bill by replacing it with the following:

330-C:21 License Required; Exemption. No person representing himself as any kind of mental health practitioner as defined in RSA 330-C:2, III shall offer any mental health service to the public for a fee or treat any mental disorder as defined in RSA 330-C:2, II unless he holds a current license issued pursuant to this chapter. The provisions of this chapter shall not apply to physicians licensed under RSA 329, to advanced registered nurse practitioners, except as provided under RSA 330-C:4, I(f) and (g), or to substance abuse counselors certified by the National Counselor Reciprocity Consortium/Alcohol and other drug abuse when providing services within the scope of their certification. The provisions of this chapter shall also not apply to any individual providing mental health services as an employee of an institution or community program operated or regulated by an agency of the state of New Hampshire or to mental health services provided as a specific contractual service approved by such agency.

Amend RSA 330-C:22 as inserted by section 1 of the bill by replacing it with the following:

330-C:22 Persons Excepted. Nothing in this chapter shall be construed to limit:

I. Any person in the practice of any discipline or alternative therapy who is not included in the definition of "mental health practitioner" in RSA 330-C:2, III.

II. The activities, services, and use of official title on the part of a person in the employ of a federal, state, county, or municipal agency; other political subdivision; or duly chartered educational institution, insofar as such activities and services are a part of the duties of such person in his salaried position.

III. The activities and services of a student, intern, or resident in a mental health discipline regulated by the board of mental health practice, who is pursuing a course of study approved by a regionally accredited degree granting institution at such institution or at another training site approved as providing qualifying training and experience under the terms of this chapter, provided that such training and experience constitute a part of his supervised course of study.

IV. The counseling activities of rabbis, priests, ministers, christian science practitioners, clergy, or members of religious orders when their counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally recognizable church, denomination, or sect or an integrated auxiliary of a church as defined in Federal Tax Regulations, paragraph (g)(5)(i) of 26 C.F.R. 1.6033-2 (1982), when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary.

V. The activities and services of any other individual providing mental health services as an employee of an institution, facility, or agency which provides breadth of clinical experience and individual supervision and which assumes professional, ethical, and legal responsibilities for the individual who, in pursuit of licensing, has registered with the relevant licensing board and received approval for rendering services at a particular work site.

VI. The activities and services of any other individual providing mental health services as a result of a referral from an individual licensed under this chapter.

Amend RSA 330-C:24 as inserted by section 1 by replacing it with the following:

330-C:24 Violations. Any person who is in violation of the provisions or RSA 330-C:21 shall be guilty of a misdemeanor. Each violation shall be deemed a separate offense.

Amend paragraphs V and VI of section 2 of the bill by replacing them with the following

V. The licensing board of clinical mental health counselors shall, in the first year following passage of this section, receive applications from individuals who are currently practicing. A currently practicing individual is one who has spent 500 or more hours in verifiable clinical practice during the year prior to application. This shall include those individuals certified by the National Academy of Certified Clinical Mental Health Counselors, the National Counselor Reciprocity Consortium/Alcohol and Other Drug Abuse, or certified as clinical members of the American Association for Marriage and Family Therapy upon the effective date of this section who meet the requirements of RSA 330-C:14, IV immediately prior to the effective date of this section. Such persons shall be granted a license to practice as clinical mental health counselors. Persons who do not meet these requirements shall be granted a provisional certificate which shall allow them to continue to practice for a period of 3 years. The certificate may be renewed once for 2 additional years at the discretion of the licensing board of clinical mental health counselors. At the time such person receives the provisional certificate, he shall also receive a list of requirements which, upon completion, shall allow him to become eligible for licensing.

VI. Psychologists, certified pastoral counselors, and clinical social workers certified under RSA 330-A immediately prior to the effective date of this section and clinical mental health counselors certified by the National Academy of Certified Clinical Mental Health Counselors shall be granted a license at the independent practice level. Any associate psychologist with an application pending before the board of examiners of psychologists shall be deemed eligible for a license as a psychologist at the independent practice level if and when he meets the certification requirements of RSA 330-A.

Amend the bill by replacing all after section 11 with the following:

12 Reference Change. Amend RSA 415:18-a, IV-a to read as follows:

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] *licensed* clinical social worker [certified] *licensed* as provided in RSA [330-A:16-d] **330-C:14, III.**

13 Qualifications. RSA 415:18-a, V(b) and (c) are repealed and reenacted to read as follows:

(b) "Psychologist" means a person who is licensed as a psychologist under RSA 330-C:14, I, or under a similar statute in another state.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-C:14, II.

14 Reference Change. Amend RSA 419:5-a, III-a to read as follows:

III-a. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] *licensed* clinical social worker [certified] *licensed* as provided in RSA [330-A:16-d] **330-C:14, III.**

15 Qualifications. RSA 419:5-a, IV(b) and (c) are repealed and reenacted to read as follows:

(b) "Psychologist" means a person who is licensed as a psychologist under RSA 330-C:14, I, or under a similar statute in another state.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-C:14, II.

16 Reference Change. Amend RSA 420:5-a, III-a to read as follows:

III-a. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a [certified] *licensed* clinical social worker [certified] *licensed* as provided in RSA [330-A:16-d] **330-C:14, III.**

17 Qualifications. RSA 420:5-a, IV(b) and (c) are repealed and reenacted to read as follows:

(b) "Psychologist" means a person who is licensed under RSA 330-C:14, I as a psychologist, or under a similar statute in another state.

(c) "Licensed pastoral psychotherapist" means an individual who is licensed as a pastoral psychotherapist under RSA 330-C:14, II.

18 Repetitive Name Changes. Amend the following RSA provisions by replacing "counselor" with "psychotherapist" and by replacing "counselors" with "psychotherapists": RSA 415:18-a, I, III(a), IV, and VI; 419:5-a, I, III, and VII; and 420:5-a, I, II(a), III, and V.

19 Repeal. RSA 330-A, relative to psychologists, is repealed.

20 Repeal. Section 11 of this act, relative to temporary rulemaking authority, is repealed.

21 Effective Date.

I. Section 20 of this act shall take effect October 1, 1990.

II. The remainder of this act shall take effect January 1, 1990.

Amendment adopted.

Referred to Appropriations.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and

that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, April 6 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 370-FN, relative to collision coverage deductibles.

HB 763, authorizing the Salem and Derry school districts to establish a debt retirement fund.

HB 289, relative to stumps, leaves, and yard waste.

HB 465, changing the name of the solid waste management council.

HB 534-FN, relative to bottled water.

HB 605, relative to a recycling logo.

HB 657-FN, excepting certain landfills and other waste facilities from local junk yard regulation.

HB 680-FN, relative to review of studies on recycling uses for bottom ash.

HB 54, adding a member to water well board.

HB 93-FN, relative to the board of nursing.

HB 428, regarding the licensing of funeral directors.

HB 738-FN, relative to bail.

HB 752-FN, relative to domestic violence.

HB 536-FN, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount.

HB 635-FN, relative to protecting federally subsidized housing.

HB 154, limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham.

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury.

HB 324, relative to posted school zones.

HB 365, relative to automobile transporters.

HB 528, relative to learners' permits.

HB 710-FN, regulating the use of social security numbers by the department of safety.

HB 330-FN-A, relative to exemption from the gasoline tax and state license plates.

HB 561, relative to the protection of public funds.

HB 486-FN, relative to clearing land and cutting timber.

HB 516-FN, relative to illegal dumping of garbage.

HB 606-FN, relative to approvable plans for solid waste management districts.

HB 722-FN, regarding solid waste management districts.

HB 449-FN, relative to civil suits against municipal officials.

HB 615-FN, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation.

HB 637, relative to the conduct of tax sales for failure to pay real estate taxes.

HB 691-FN, relative to recording of ancient plats.

HB 758-FN, relative to impact fees.

HB 277-FN, to prohibit after market tinting on windshields and on certain windows of motor vehicles.

HB 505, relative to speed limits on state roads in towns.

HB 587-FN, relative to license plates and decals for relatives of handicapped persons.

Rep. Flanders addressed the House by Unanimous Consent.

Rep. Palumbo moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:30 p.m.

RECESS

(Rep. Ann Torr in the Chair)

ENROLLED BILLS REPORT

HB 16, relative to advertising potatoes.

HB 27, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow.

HB 37, relative to the taking of raccoons.

HB 53, relative to syringes for diabetics.

HB 102, relative to the department of libraries, arts and historical resources.

HB 185, clarifying the department of transportation's authority in maintaining and operating rail operations.

HB 212, relative to the board of chiropractors.

HB 259, permitting selectmen to set fees.

HB 454, relative to the interest due on property tax bills.

HB 455, relative to appeals in child abuse or neglect cases.

HB 499, relative to administration of medications to clients receiving services in the state mental health system.

HB 507, relative to child care.

HB 511, relative to medical records.

HB 512, relative to zoning ordinance protest petitions.

HB 611, relative to service dogs.

HB 765, authorizing the Belknap recreational area to borrow in anticipation of revenues.

Rep. James Phelps
Sen. William Johnson
For the Committee

Reps. Palumbo and Chambers offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 108 shall by this resolution be read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

SB 108, relative to Skyhaven airport in Rochester.

Rep. Palumbo moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 17

Thursday, April 6, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the guest Chaplain, Rev. Dr. Glen Snowden of the Unitarian Universalist Church in Concord.

Let us pray. We have been shown what is good and what is required of us: to do justice in the legislative actions we take, to love kindness in the conduct of our political office, and to walk humbly in the path of our religious faith.

As creators and conservators of the laws and government of this state, we pray for personal maturity, for a clarity of understanding which seeks out creative solutions, for a conviction of character which honors the best in all of us, and for a courage of spirit which is born of human compassion.

As we deliberate the difficult legislative decisions, economic and social, human and legal, we pray for political maturity, so that our resources of land and people are wisely used, so that our citizens may enjoy a true spirit of hopefulness, and so that the flame of fairness will burn brightly in these halls and throughout this good land. Amen.

Rep. William McCann led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Senter, Kress, Elizabeth Greene, Daigle, Manus, Avery, Daniel Eaton, Hawkins, Russell Chase, Richard Hill, Biondi and Janet Barry, the day, illness.

Reps. Barber, Michael Hill, Prestipino, Lemire, Dickinson, Schmidtchen, Willard Young, Olimpio, Musler, Caswell, Vanderlosk and Beaupre, the day, important business.

Reps. Wiggin, Tarpley, Blanchard, Joseph MacDonald and Haynes, the day, illness in the family.

INTRODUCTION OF GUESTS

Mr. and Mrs. Paul Provost, parents of Rep. Provost; Mrs. Esther Christy and a group of homemakers from Canaan, guests of Rep. Christy; Mrs. Alan Zeller, mother, Marty Teschner, wife and Ben and Luke, sons of Rep. Teschner; Jean Kimball of Littleton, guest of Rep. Burns; Kim Hollingworth, daughter of Rep. Hollingworth.

COMMUNICATION

James Chandler
House Clerk

Dear Mr. Chandler,

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on April 5, 1989:

Grafton County District No. 10 (Bristol)

Ralph E. Shackett, r, Bristol (Crosswinds) 03222

Sincerely,
Paula S. Penney
Administrative Assistant
Office of the Secretary of State

The Speaker introduced Rep. Shackett.

Rep. Shackett was assigned to the Committee on Constitutional and Statutory Revision.

Reps. Christy, Rose and Scanlan offered the following:

HOUSE RESOLUTION NO. 18

commending the girls' varsity basketball team
of Mascoma Regional High School

WHEREAS, the girls' varsity basketball team of Mascoma Regional High School, on February 25, 1989, did win the New Hampshire Class M title, defeating in overtime, Farmington High School, 61-59, and

WHEREAS, the victory marked the second consecutive year that the Mascoma Regional girls' basketball team won the Class M Championship, an unprecedented accomplishment in the school's illustrious athletic history, and

WHEREAS, the victory extended Mascoma Regional High School's season record to twenty-one wins against only one loss, and

WHEREAS, by virtue of its outstanding regular-season record of seventeen wins and one loss, Mascoma Regional High School was seeded first in the 1989 championship tournament, and

WHEREAS, in order to reach the final round of the 1989 tournament, Mascoma Regional High School first had to defeat Thayer High School, Newport High School, and Coe-Brown Academy, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Mike Eno and Assistant Coach Jean Sullivan, and led by Co-Captains Becky Cantlin and Jen Carter, and

WHEREAS, the members of the 1989 championship team have brought great honor to their school and their community, now therefore be it

RESOLVED, by the Speaker of the House, in Regular Session convened, that the girls' varsity basketball team of Mascoma Regional High School be publicly recognized and applauded for winning the 1989 Class M Championship, and be it further

RESOLVED, that the players and coaches receive the highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Mascoma Regional High School.

Unanimously adopted.

Reps. Christy, Rose and Scanlan offered the following:

HOUSE RESOLUTION NO. 19

commending the boys' varsity basketball team
of Mascoma Regional High School

WHEREAS, on the eleventh day of March in Nineteen Hundred and Eighty-Nine, the boys' varsity basketball team of Mascoma Regional High School, did win the New Hampshire Class M title, defeating by a score of 48-44, Gilford High School, and

WHEREAS, the victory marked the second time in three years that the Mascoma Regional boys' basketball team was crowned Class M Champion, and

WHEREAS, the victory extended to twenty-one wins and one loss, Mascoma Regional High School's season record, and

WHEREAS, entering the 1989 tournament, Mascoma Regional High School was seeded third and owned an outstanding regular-season record of seventeen wins and one loss, and

WHEREAS, before reaching the final round of the 1989 tournament, Mascoma Regional High School first had to defeat Franklin, Pittsfield and Farmington High Schools, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Brian Adams and Assistant Coach Doug Belloir, and led by Co-Captains Mike Boisseau and Dave Hemmerling, and

WHEREAS, the members of the 1989 championship team have brought great honor to their school and their community, now therefore be it

RESOLVED, by the Speaker of the House, in Regular Session convened, that the boys' varsity basketball team of Mascoma Regional High School be saluted and recognized for winning the 1989 Class M Championship, and be it further

RESOLVED, that the players and coaches receive the highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Mascoma Regional High School.

Unanimously adopted.

The Nashua Delegation offered the following:

HOUSE RESOLUTION NO. 20

commending the girls' varsity basketball team
of Nashua High School

WHEREAS, the girls' varsity basketball team of Nashua High School, on February 24, 1989, did win the New Hampshire Class L title, defeating Londonderry High School, 56-55, and

WHEREAS, the victory marked the fifth consecutive year that the Nashua girls' basketball team won the Class L Championship, an unprecedented accomplishment in the school's illustrious athletic history, and

WHEREAS, the victory kept the team undefeated, extending Nashua's seasonal record to twenty-one wins against no losses, and

WHEREAS, the victory extended also the team's consecutive victory streak to an overwhelming one hundred and thirteen wins, and

WHEREAS, in order to reach the final round of the 1989 tournament, Nashua High School first had to defeat Winnicunnet High School and then Concord High School, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach John Fagula and Assistant Coach Sarah Rolfe, and led by Co-Captains Missy Ayotte and Joy Barry, and

WHEREAS, the members of the 1989 championship team have brought great honor to their school and their community, now therefore be it

RESOLVED, by the Speaker of the House, in Regular Session convened, that the girls' varsity basketball team of Nashua High School be publicly recognized and applauded for winning the 1989 Class L Championship, and be it further,

RESOLVED, that the players and coaches receive the highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Nashua High School.

Unanimously adopted.

The Manchester Delegation offered the following:

HOUSE RESOLUTION NO. 21

commending the boys' varsity basketball team
of Manchester Central High School

WHEREAS, the boys' varsity basketball team of Manchester Central High School, on March 17th, defeated Pinkerton Academy, 59-52, to win the 1989 New Hampshire Class L title, and

WHEREAS, the victory extended Manchester Central High School's overall 1989 record to twenty-two wins against only two losses, and

WHEREAS, Manchester Central High School was seeded second in the 1989 championship tournament, earned by virtue of its fine regular-season record of sixteen wins and two losses, and

WHEREAS, before reaching the final round of the 1989 tournament, Manchester Central High School first had to defeat Manchester Memorial High School and then Bishop Guertin High School of Nashua, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Paul Guertin and Assistant Coaches Ed Delahaney and Mike Fitzpatrick, and led by Captain Mike Romps, and

WHEREAS, the members of the 1989 championship team have brought great honor to their school and their community, now therefore be it

RESOLVED, by the Speaker of the House, in Regular Session convened, that the boys' varsity basketball team of Manchester Central High School be saluted and recognized for winning the 1989 Class L Championship, and be it further

RESOLVED, that the players and coaches receive the highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Manchester Central High School.

Unanimously adopted.

The Coaches and Captains of the four teams were present in the well of the House. Rep. Chambers, the Minority Leader, presented them with the Resolutions.

The Speaker recognized the rest of the team members in the balcony.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENT

HCR 7, to adopt joint rules for the 1989 session. (Amendment printed SJ 13,4/4/89)

Rep. Burns moved that the House concur.

Adopted.

CONCURRENCE

HB 765-FN, authorizing a Belknap recreational area to borrow in anticipation of revenues.

HB 27, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow.

HB 37, relative to taking of raccoons.

HB 53, relative to syringes for diabetics.

HB 99-FN, relative to establishing a uniform fine schedule for fish and game law violations.

HB 159, repealing certain railroad bridge requirements.

HB 185, clarifying the department of transportation's authority in maintaining and operating rail operations.

HB 212, relative to the board of chiropractors.

HB 247-FN, relative to the transfer of funds for turnpikes from the general reserve account.

HB 259-FN, permitting selectmen to set fees.

HB 499, relative to administration of medications to clients receiving services in the state mental health system.

HB 511, relative to medical records.

HB 611-FN, relative to service dogs.

HB 15, repealing certain laws relative to measuring wood.

HB 51, relative to a vehicle width on certain highways.

HB 163, concerning certain labor laws.

HB 176-FN, requiring certificates of title for vehicles owned by the state and political subdivisions.

HB 201, relative to protective custody of abused or neglected animals.

HB 285-FN, relative to liens on real property for hazardous waste cleanup costs.

HB 408-FN-A, relative to a study of the highways in Sullivan and Cheshire counties.

HB 119-FN, making technical changes in certain revenue statutes for the department of revenue administration.

HB 223-FN, relative to investment of state funds in corporations doing business in Northern Ireland.

HB 320-FN-A, relative to the penalty of overdue payments under the interest and dividends tax.

HB 325, relative to disciplinary actions against veterinarians.

HB 338, relative to the authority of the Hillsborough county convention to employ a delegation coordinator.

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability.

HB 402, relative to the state archivist.

HB 456-FN, changing the due date for county taxes.

HB 460-FN, relative to notice that tax payments may be due under the interest and dividends tax.

HB 472, relative to appeals to the zoning board of adjustment.

HB 473, relative to building codes in municipalities.

HB 484, relative to checkout procedures after votes are cast.

HB 554, relative to the advisory council on the sale and fitting of hearing aids.

HB 617-FN, relative to the public utilities commission appointing a receiver for a public water utility.

HB 625-FN, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses.

HB 655-FN, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer.

NONCONCURRENCE

HB 141-FN, relative to liability for expenses.

HB 68, relative to the director of water supply and pollution control.

HB 18, decriminalizing adultery.

HB 471, regarding review of development which may have regional impact.

HB 314, relative to expanded polystyrene in the construction of houses.

HB 248-FN, establishing a study committee on deinstitutionalization in New Hampshire.

HB 441-FN-A, relative to bingo games conducted by charitable organizations.

REQUESTS CONCURRENCE

SB 205, relative to establishing the New Hampshire energy authority and making an appropriation therefor.

SCR 1, amending joint rule 4-A(b).

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 71, relative to the department of education.

Rep. Skinner moved that the House concur. (SJ 9, 3/16/89)

Adopted.

HB 134-FN, relative to the deaf and hard of hearing.

Rep. Skinner moved that the House concur. (SJ 9, 3/16/89)

Adopted.

HB 494, relative to the transition period for a new state treasurer and a new secretary of state.

Rep. Horton moved that the House concur. (SJ 10, 3/21/89)

Adopted.

HB 272-FN, relative to Pike's school in Haverhill, New Hampshire.

Rep. Perham moved that the House concur. (SJ 10, 3/21/89)

Adopted.

HB 182-FN, reclassifying certain highways in the towns of Carroll and Belmont.

Rep. Phelps moved that the House concur. (SJ 10, 3/21/89)

Adopted.

HB 197-FN, to reclassify portions of certain highways in the town of Seabrook.

Rep. Phelps moved that the House concur. (SJ 11, 3/30/89)

Adopted.

VACATE

Rep. Powers moved that the House vacate the reference of SB 99, supplementing the funding for programs which assist victims of domestic violence, to the Committee on Executive Departments and Administration.

Motion adopted.

The Speaker referred SB 99 to the Committee on Judiciary.

COMMITTEE REPORTS**(Consent Calendar)**

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

HB 234-FN-A, relative to the loss carryover deduction under the business profits tax. Inexpedient to Legislate.

The intent of this bill was to modify the application of the Business Profits Tax loss carryover deduction provision to multi-state and multi-national companies. However, the Committee ascertained that this change would cost the state \$1.3 million for the biennium. Moreover, it was never the intent to protect large multi-state companies by loss carryover provisions. Vote 14-0. Rep. Robert C. Hayes for Ways and Means.

HB 291-FN-A, relative to the real estate transfer tax. Ought to Pass with Amendment.

This bill amends the Real Estate Transfer Tax statute not by changing any rates, but by changing the statutes to say that every transfer of real estate is taxable unless specifically exempted. It also adds definitions which were not available before. It adds penalties for nonpayment of the tax. Vote 14-0. Rep. Roland A. Sallada for Ways and Means.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Transaction Presumed Taxable. RSA 78-B:1, I is repealed and reenacted to read as follows:

I.(a) A tax is imposed upon the sale, granting and transfer of real estate and any interest therein including transfers by operation of law. Each sale, grant and transfer of real estate, and each sale, grant and transfer of an interest in real estate shall be presumed taxable unless it is specifically exempt from taxation under RSA 78-B:2.

(b) The rate of the tax is \$.25 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$10. The tax imposed shall be computed to the nearest whole dollar.

2 New Section; Definitions. Amend RSA 78-B by inserting after section 1 the following new section:

78-B:1-a Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Contractual transfer" means a bargained-for exchange of all transfers of real estate or an interest therein, including but not limited to:

- (a) From a shareholder to a corporation in which he holds an interest; or
- (b) A partner to the partnership in which he holds an interest; or
- (c) From any other interest holder to an organization in which he owns an interest; or
- (d) From an individual to a business entity; or
- (e) From a corporation to its shareholder(s); or
- (f) From a partnership to its partners; or
- (g) From any entity to the interest holders in that entity.

III. "Noncontractual transfer" means a transfer which satisfies the 3 elements of a gift transfer:

- (a) Donative intent;
- (b) Actual delivery; and
- (c) Immediate relinquishment of control.

IV. "Price or consideration" means the amount of money, or other property and services, or property or services valued in money which is given in exchange for real estate, and measured at a time immediately after the transfer of the real estate.

V. "Sale, granting and transfer" means every contractual transfer of real estate, or any interest in real estate from a person or entity to another person or entity, whether or not either person or entity is controlled directly or indirectly by the other person or entity in the transfer.

3 Reference to Internal Revenue Code Changed. Amend RSA 78-B:2, VII to read as follows:

VII. To a transfer of title from one organization exempt from federal taxation under section 501 of the United States Internal Revenue Code [(1954)] *of 1986*, as amended, to another organization which is also exempt from federal taxation under section 501, when both the transfer organization and the transferee organization are created by or result from the corporate reorganization of a licensed, general, or specialty hospital.

4 New Paragraphs; New Exemptions Added. Amend RSA 78-B:2 by inserting after paragraph VIII the following new paragraphs:

IX. To noncontractual transfers.

X. To transfers of cemetery plots.

XI. To transfers that occur by devise or by the laws regulating intestate succession and descent.

XII. To the beneficiary of a partnership interest where the partnership dissolves by operation of law due to death of a partner.

5 Stamps. Amend RSA 78-B:4, I and II to read as follows:

I. The purchaser, grantee, assignee or transferee of any real estate or any interest in real estate shall buy and attach stamps or other indicia approved by the commissioner of revenue administration to the instrument *described in RSA 78-B:10* by which the real estate or interest in real estate is sold, granted, assigned or transferred. The stamps or other indicia shall indicate the full consideration paid for the real estate or interest in real estate. *The amount paid for each stamp shall be computed to the nearest whole dollar.*

II. The seller, grantor, assignor or transferor of any real estate or any interest shall buy and attach stamps or other indicia approved by the commissioner of revenue administration to the instrument *described in RSA 78-B:10* by which the real estate or interest in real estate is sold, granted, assigned or transferred. The stamps or other indicia shall indicate the full consideration paid for the real estate or interest in real estate. *The amount paid for each stamp shall be computed to the nearest whole dollar.*

6 Penalty for False Statements. Amend RSA 78-B:7 to read as follows:

78-B:7 False Statements. If any purchaser, grantee, assignee, transferee, seller, grantor, assignor or transferor [acquiring any] *who is a party to a transfer of* real estate or an interest in real estate falsely states in writing upon any instrument to be recorded that no stamps are required, or attaches to the instrument an amount of stamps that indicate a purchase price or consideration less than [that actually paid by him] *the actual price or consideration*, he shall be guilty of a misdemeanor *and shall be subject to a penalty of 100 percent of the amount of additional taxes determined to be due, in lieu of the provisions of RSA 21-J:33.*

7 New Section; Interest. Amend RSA 78-B by inserting after section 7 the following new section:

78-B:7-a Interest. Any party to a transfer of real estate or an interest in real estate subject to a penalty under RSA 78-B:7 shall pay interest as prescribed in RSA 21-J:28.

8 New Sections; Audits, Deeds, and Definitions. Amend RSA 78-B by inserting after section 8 the following new sections:

78-B:9 Authority to Audit.

I. The commissioner of the department of revenue administration shall have the power to audit all real estate transfers within this state for purposes of verifying and determining the existence of a sale, granting or transfer of real estate, and for purposes of verifying and determining the amount of the price or consideration paid for real estate transferred within this state.

II. If there is occasion to determine if there has been a sale, grant or transfer of real estate within this state, the commissioner shall look to the substance of the transaction or series of transactions to determine if a sale, grant or transfer of real estate has occurred.

III. If there is occasion to determine if the stated price or consideration, under RSA 78-B:10, is the actually paid or required to be paid price or consideration, then the commissioner shall have the power, barring specific proof to the contrary, to determine the actual price or consideration by the fair market value of the real estate.

IV. The commissioner may take the oath of any person in the course of any hearing authorized under RSA 78-B. In connection with hearings, the commissioner and taxpayer shall have the power to compel attendance of witnesses and the production of books, records, papers, vouchers, accounts or other documents. The commissioner and taxpayer may take the depositions of witnesses residing within or without the state pertaining to any matter under this chapter, in the same way as depositions of witnesses are taken in civil actions in the superior court. Fees of witnesses shall be the same as those allowed to witnesses in the superior court and, in the case of witnesses summoned by the commissioner, shall be considered as an expense of administration of this chapter.

V. Any notice required by this chapter to be given by the commissioner to a taxpayer shall be made by first class mail to the last known address of the taxpayer, but in the case of hearings, notice shall be given at least 10 days before the date of the hearing and by registered mail.

78-B:10 Declaration of Consideration Required in Deed.

I. Each deed recording a transfer of real estate or any interest therein shall contain a separate page which shall be recorded with the deed, and which shall be called the "Attestation of Consideration and Tax Stamp Page." Each such page shall:

(a) Contain a conspicuous declaration of the price or consideration exchanged for the real estate transferred, which shall say: ".....(buyer's name) and.....(seller's name) agree and affirm that the full price or consideration paid for the real estate transferred by this deed is \$..... The tax due upon this transfer is calculated at \$... per \$100 or any part thereof, for an amount due of \$..... (computed to the nearest whole dollar)."

(b) Contain a space immediately below the statement in subparagraph (a) for the dated and notarized signatures of both buyer and seller of the deeded real estate.

(c) Contain a space sufficiently large enough to easily accommodate placement of stamps required by RSA 78-B. That space shall be identified by the following language: "The tax stamps required by RSA 78-B have been attached below by buyer and seller".

II. The declaration of RSA 78-B:10, I(a) shall be prima facie evidence of the price or consideration paid for the real estate.

78-B:11 Taxpayer Records. Every buyer and seller of real estate shall:

I. Keep such records as may be necessary to determine the amount of his liability under this chapter.

II. Preserve such records for the period of 3 years or until any litigation or prosecution under this chapter is finally determined.

III. Make such records available for inspection by the commissioner or his authorized agents, upon demand, at reasonable times during regular business hours. Whoever knowingly violates the provisions of this section shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

78-B:12 Appeal. Within 30 days after notice of any adjustment to tax by the commissioner under RSA 78-B:9, a taxpayer may appeal the commissioner's determination either by written application to the board of tax and land appeals or by petition to the superior court in the county in which the taxpayer resides or, if not a resident of the state, in the county in which the taxpayer has a place of business or resident agent. The board of tax and land appeals or the superior court, as the case may be, shall determine de novo the correctness of the commissioner's action.

9 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill amends the real estate transfer tax law as follows:

I. Presumes that sales, grants, and transfers of real estate are taxable unless specifically exempt from taxation.

II. Adds definitions.

III. Adds 3 exceptions to the tax for noncontractual transfers, transfers of cemetery plots, and to the beneficiary of a partnership interest.

IV. Requires the tax imposed to be computed to the nearest whole dollar.

V. Changes the penalty for false statements and adds a requirement for the payment of interest.

VI. Authorizes the commissioner of revenue administration to audit all real estate transfers.

VII. Requires each deed recording a transfer of real estate to contain a separate page called the "Attestation of Considerations and Tax Stamp Page".

VIII. Adds new requirements for buyers and sellers of real estate to keep certain taxpayer records.

IX. Adds a process to appeal determinations made by the commissioner of revenue administration.

HB 340-FN-A, to increase the dollar exemptions under the interest and dividends tax. Inexpedient to Legislate.

This bill proposed increase the exemption allowable under the Interest and Dividends Tax from \$1,200 to \$1,800. The Committee voted unanimously Inexpedient to Legislate in light of the current economic circumstances in the state. Vote 16-0. Rep. Garret P. Cowenhoven for Ways and Means.

HB 391-FN-A, relative to apportioning gross business profits under the business profits tax. Inexpedient to Legislate.

This bill would alter the formula for apportioning the Business Profits Taxes due the State of New Hampshire for multi-state companies doing part of their business in New Hampshire. The Committee was concerned about the effect on our Business Profits

Tax returns since the Department of Revenue Administration could not assure the Committee that the change would not have any negative effect. The Committee felt that this was not the time for the State to be involved in any such risk. Vote 15-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 532-FN, establishing a committee to study the tax structure in New Hampshire. Ought to Pass with Amendment.

This bill, as amended, establishes a legislative study committee to conduct a comprehensive examination of our current revenue structure, with particular attention to the property tax. The Committee will issue an interim report in December of this year, and a final report with recommended legislation in December 1990. Vote 12-0. Rep. Donna P. Sytek for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a committee to study the revenue
structure in New Hampshire.

Amend the bill by replacing sections 1-6 with the following:

1 Study Committee Established. The general court finds that as property taxes continue to rise in order to provide funding for municipal, county, and education costs, legislative action may be necessary to address the relationship between the state revenue structure and the property taxes assessed at the local level. There is hereby established a committee to study the revenue structure in New Hampshire.

2 Membership. The study committee shall be composed of the following members:

I. Five members of the house of representatives appointed by the speaker of the house.

II. Five members of the senate appointed by the president of the senate.

3 Appointments. The appointment of the members in section 2 of this act shall be made within 60 days of the effective date of this act.

4 Chairman; Meetings; Quorum. The committee shall elect a chairman from among its members. The committee shall meet at such times as the chairman shall designate. Six members shall constitute a quorum. Decisions shall be reached by a simple majority of the members present and voting.

5 Duties. The committee shall study the state revenue structure and the property taxes assessed at the local level. The committee may consult with individuals and organizations having an interest and expertise in the areas which the committee studies. The house and senate staff, and the appropriate state agencies, shall provide such assistance as the committee may require for the purposes of this act. The committee shall make recommendations for proposed legislation for the 1991 legislative session.

6 Report. The committee shall submit an interim report no later than December 1, 1989, and a final report, including recommendations for proposed legislation, no later than December 1, 1990, of its findings to the governor, the speaker of the house of representatives and the president of the senate.

AMENDED ANALYSIS

This bill establishes a committee to study the revenue structure in New Hampshire.

The committee shall submit an interim report no later than December 1, 1989, and a final report no later than December 1, 1990, together with any proposed legislation, to the governor, the speaker of the house, and the president of the senate.

COMMITTEE REPORTS

Regular Calendar

Reps. Sytek and Hager addressed the House on the revenue bills.

HB 327-FN-A, relative to the rate of the real estate transfer tax. Ought to Pass with Amendment.

The Committee voted to raise the Real Estate Transfer Tax rate from the current rate of \$.35 per \$100 to \$.50 per \$100. If this bill is not passed, the Real Estate Transfer Tax will automatically be reduced to \$.25 per \$100 per existing statutes. This rate change will provide an increase in the general revenues of \$28,300,000 for the biennium. Vote 15-3. Rep. Garret P. Cowenhoven for Ways and Means.

Amendment

Amend the bill by replacing section 1 with the following:

1 Rate Changed. Amend RSA 78-B:1, I to read as follows:

I. A tax is imposed upon the sale, granting and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is [~~\$.25~~] **\$.50** per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of [~~\$10~~] **\$20**. Notwithstanding the foregoing provisions, there shall be no tax as exempted by RSA 78-B:2.

AMENDED ANALYSIS

This bill raises the rate of the real estate transfer tax from \$.25 to \$.50 per \$100, and raises the minimum tax due from \$10 to \$20.

The present tax rate and minimum tax due were temporary measures for the biennium ending June 30, 1989.

Reps. Vartanian and David Young spoke against the amendment.

Reps. Sallada and Grip spoke in favor of the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 226

NAYS 119

YEAS 226

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Pearson, Ralph W.
Turner, Robert H.

Bolduc, Dennis R.
Hardy, Earle D.
Randall, Kenneth A.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.

CARROLL

Foster, Robert W.
Saunders, Howard N.

MacDonald, Kenneth J.

Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Crutchley, Donald O.
Foster, Katherine D.

Cole, Kenneth A.
Delano, Robert F.
Gordon, Irvin H.

Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.

LaMar, David M.
Metzger, Katherine H.
Perry, David M.
Spear, Susan S.

Laurent, John J.
Miller, Jeffrey C.
Pratt, Irene A.

Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

COOS

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine

Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Scanlan, David M.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
LaMott, Paul I.
Teschner, Douglass P.
Ward, Kathleen W.

Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Nordgren, Sharon L.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, William M.
Cox, Gladys M.
Domaingue, Jacquelyn M.
Dyer, Merton S.
Ford, Nancy M.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Jean, Romeo W.
Kelley, Robert N.
Long, Linda D.
McCann, Bonnie Lou
Murphy, Robert E.
Pappas, Toni
Record, Alice B.
Schneiderat, Catherine A.
Steiner, Lee Anne S.

Amidon, Eleanor H.
Bicknell, Robert C.
Desrochers, Gerard T.
Dube, Ellen C.
Fields, Dennis H.
Frank, Nancy G.
Grip, Robert H.
Hall, Betty B.
Holden, Carol H.
Johnson, Lionel W.
Knight, Alice Tirrell
Lown, Elizabeth D.
McDowell, James E.
Nardi, Theodora P.
Perham, Lester R.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.

Barry, Vivian
Bourque, Ann J.
Desrosiers, William J.
Dwyer, Patricia R.
Foote, Herbert N., Sr.
Genest, Fernand A.
Guilbert, Lionel
Harlan, Susan N.
Jasper, Shawn N.
Keefe, Edmund M.
Lachut, Ervin R.
Mason, Howard F.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Sallada, Roland A.
Smith, Leonard A.
Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Daneault, Gabriel
Gilbreth, Robert M.
Hall, Douglas E.
Jacobson, Alf E.
Lockwood, Robert A.
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

Apple, Lowell D.
Braiterman, Thea G.
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Johnson, C. William
Millard, Elizabeth S.
Pfaff, Terence R.
Soldati, Jennifer
Wallner, Mary Jane

Bardsley, Elizabeth S.
Carter, Susan D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Kidder, William F.
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Conroy, Janet M.
 Flanders, Harry E.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Parr, Ednapearl F.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.
 Vaughn, Charles L.
 Welch, David A.

Bell, Juanita L.
 Bucu, Stephen W.
 Cooke, Annette M.
 Flanders, John W., Sr.
 Hollingworth, Beverly A.
 King, Roger C.
 MacDonald, Maurice B.
 McCain, William F.
 Micklon, Stephanie K.
 Parsons, Robert F.
 Sanderson, Patricia O.
 Simon, Peter M.
 Sytek, Donna P.
 Warburton, Calvin
 Wells, Henry E.

Benton, Richardson D.
 Chase, Lawrence A., Jr.
 Felch, Charles H., Sr.
 Gage, Thomas U.
 Johnson, Robert A.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Popov, Elizabeth M.
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Weddle, Michael R.
 Wright, David B.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.
 Foss, Patricia H.
 Keans, Sandra B.
 McCann, William H., Jr.
 Parks, Joe B.
 Spencer, Leo J.
 Torr, Ann M.
 Young, John B.

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda A.
 Pelley, Janet R.
 Stewart, Glenn W.
 Vincent, Francis C.

Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary R.
 Martling, W. Kent
 O'Brien, John
 Scharff, Thomas E.
 Swope, Warren L.
 Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Rodeschin, Beverly T.

Burling, Peter Hoe
 MacAskill, Kenneth M.
 Schotanus, Merle W.

Hinrichsen, Keith L.
 Peyron, Fredrik
 Stamatakis, Carol M.

NAYS 119**BELKNAP**

Locke, Matthew J.
 Rosen, Ralph J.

Maviglio, Steven R.
 White, James J.

Richardson, Lawrence
 Ziegra, Alice S.

CARROLL

Allard, Nanci A.
 Dodge, Arthur G., Jr.

Chandler, Gene G.

Daly, Robert J., Jr.

CHESHIRE

Hill, Douglas E.
 Young, David A.

Hunt, John B.

Morse, JoAnn T.

COOS

Brungot, Catherine V.
 Theriault, Romeo J.

Buckley, C. Fitzgerald, III
 Woodburn, Jeffrey R.

Merrill, Gerald P.

GRAFTON

Arnesen, Deborah L.
 Markley, J. Keith
 Stewart, Roger

Dow, David O.
 Rose, William B.

Eno, Larry E.
 Shackett, Ralph E.

HILLSBOROUGH

Alukonis, David J.
 Bowers, Dorothy C.
 Dodge, Emma M.
 Dykstra, Leona
 Gagnon, Gabrielle V.
 Hultgren, David D.
 King, John A.
 Lawrence, Norman B.
 McCarthy, Daniel M.
 Messier, Irene M.
 Packard, Bonnie B.
 Reidy, Frank J.
 Rodgers, G. Philip
 Turgeon, Roland M.
 Wihby, Linda S.

Baldizar, Barbara J.
 Burkush, Peter A.
 Donovan, Francis X.
 Elliott, Larry G.
 Goulet, Maurice E.
 Hunter, Bruce F.
 Klose, John F.
 Lefebvre, Roland J.
 McNerney, Daniel P.
 Morrisette, Roland A.
 Pepino, Leo P.
 Rheault, Lillian I.
 Soucy, Lillian E.
 Upton, Barbara A.
 Wright, George W.

Boucher, Lionel R.
 Cowenhoven, Garret P.
 Drolet, Paul L., Jr.
 Emerton, Lawrence A., Sr.
 Healy, Daniel J.
 Jenkins, Mary
 Kurk, Neal M.
 Lozeau, Donnalee M.
 McRae, Karen
 Ouellette, Robert O.
 Provost, Gilles R.
 Riley, Frances L.
 Toomey, Daniel
 Wheeler, David K.

MERRIMACK

Barberia, Richard A.
 Smith, Gerald R.

Beaton, Nancy C.
 Tolpin, Richard W.

Dunn, Miriam D.
 Trombly, Rick A.

ROCKINGHAM

Brown, Jeffrey M.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Ford, Bert H.
 Hoar, John, Jr.
 Katsakiores, George N.
 Magoon, Harold F.
 Pantelakos, Laura C.
 Ritzo, Eugene
 Stachowske, Vicki

Brown, Lewis W.
 Cote, Patricia L.
 Fesh, Robert M.
 Forsythe, Douglas G.
 Hynes, Carolyn E.
 Lovejoy, Virginia K.
 McGovern, Cynthia A.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Vartanian, Elsie

Campbell, Eunice M.
 Drake, Herbert R.
 Flanagan, Natalie S.
 Gage, Beverly A.
 Kane, Cecelia D.
 MacKinnon, Nancy W.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Splaine, John E., Sr.

STRAFFORD

Appleby, James E.
 Kincaid, William K.
 Meserve, John H.
 Tsiros, William

Brown, Julie M.
 Lachance, Douglas A.
 Sullivan, Henry P.

Callaghan, Robert J.
 Marston, Robert E.
 Torr, Ralph W.

SULLIVAN

Brodeur, Robert J.
 Middleton, John A.

Domini, Irene C.

Lucier, Edward A., Jr.

and the amendment was adopted.

Rep. Drabinowicz notified the Clerk that she wished to be recorded against the Committee Amendment.

Ordered to third reading.

HB 385-FN-A, to exempt meals prepared in the state house cafeteria from the meals and rooms tax. Ought to Pass with Amendment.

This bill, as amended, increases the tax on meals and rooms from 7% to 7-1/2% which will generate \$13 million in additional revenue. Also, by an appropriation of \$4 million, the bill increases the state's vacation travel promotion. The Committee heard testimony urging it to increase the advertising budget to a more competitive level. The

Committee felt this tax increase is necessary to help fund HB 200 and the programs in HB 777. Vote 14-3. Rep. Edward Densmore for Ways and Means.

Rep. Densmore moved that HB 385-FN-A be made a Special Order for Tuesday, April 11.

Motion adopted.

HB 422-FN-A, relative to tax exempt property. Ought to Pass with Amendment.

This bill, as amended, increases the Business Profits Tax from eight percent to nine percent for the 1990-1991 biennium which is expected to raise an additional \$37.6 million for the biennium. The bill also includes a provision to establish a committee to study methods to broaden the base of the Business Profits Tax. Vote 13-4. Rep. Frederick G. Ahrens for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to increasing the rate of the business profits tax,
and relative to establishing a committee to study
the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Business Profits Tax For Biennium Ending June 30, 1991. Notwithstanding the provisions of RSA 77-A:2, the tax imposed on business organizations under RSA 77-A shall be imposed at the rate of 9 percent upon the taxable business profits of every business organization for the biennium ending June 30, 1991.

2 Study Committee Established.

I. There is established a committee to study the New Hampshire business profits tax, RSA 77-A. The committee shall propose ways to provide a fair and equitable application of the business profits tax to business organizations.

II. The committee shall consist of the following members:

- (a) Three senators, appointed by the senate president.
- (b) Three representatives, appointed by the speaker of the house.
- (c) Four members of the general business community, appointed by the governor, who shall represent different sectors of New Hampshire's economy.
- (d) One member of the New Hampshire Bar Association, appointed by the governor, who shall have experience in both constitutional and tax law in New Hampshire.

III. The department of revenue administration shall provide such staff assistance as the committee may require for the purposes of its study.

IV. The committee shall hold at least one meeting each month beginning in July, 1989. The committee shall elect a chairman from its membership at its first meeting. Committee members shall receive no compensation, except that legislative members shall receive mileage at the legislative mileage rate.

V. The committee shall prepare a report, based on its findings, including recommendations for proposed legislation, to be introduced in the 1990 legislative session. The report shall be delivered to the presiding officers of the state senate and house of representatives, and to the governor and council on or before December 1, 1989.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 1989, and shall apply to returns and taxes due on account of taxable periods beginning after June 30, 1989.

II. Section 2 of this act shall take effect upon its passage.

AMENDED ANALYSIS

The bill increases the rate of the business profits tax from 8 to 9 percent for the biennium ending June 30, 1991.

The bill also establishes a committee to study the business profits tax. The committee shall prepare a report on or before December 1, 1989, which shall propose ways to provide a fair and equitable application of the business profits tax to business organizations.

Amendment adopted.

Rep. Hayes moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

(Deputy Speaker Burns in the Chair)

Rep. Ahrens spoke against the motion and yielded to questions.

(Speaker in the Chair)

Reps. Kurk and Lozeau spoke in favor of the motion.

Reps. Blacketor and Palumbo spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 110

NAYS 231

YEAS 110

BELKNAP

Locke, Matthew J.

White, James J.

Ziegra, Alice S.

CARROLL

Chandler, Gene G.

CHESHIRE

Cole, Kenneth A.

Hill, Douglas E.

Hunt, John B.

Morse, JoAnn T.

Young, David A.

COOS

Brungot, Catherine V.

Buckley, C. Fitzgerald, III

Dumont, Robert E.

Merrill, Gerald P.

Theriault, Romeo J.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.

Dow, David O.

Eno, Larry E.

Markley, J. Keith

Rose, William B.

Stewart, Roger

HILLSBOROUGH

Alukonis, David J.

Baldizar, Barbara J.

Barry, Vivian

Bicknell, Robert C.

Boucher, Lionel R.

Bowers, Dorothy C.

Burkush, Peter A.

Cowenhoven, Garret P.

Domaingue, Jacquelyn M.

Drolet, Paul L., Jr.

Dykstra, Leona

Elliott, Larry G.

Foote, Herbert N., Sr.

Gagnon, Gabrielle V.

Genest, Fernand A.

Hall, Betty B.

Holden, Carol H.

Hultgren, David D.

Hunter, Bruce F.

Jenkins, Mary

Johnson, Lionel W.

Klose, John F.

Knight, Alice Tirrell

Kurk, Neal M.

Lawrence, Norman B.

Lefebvre, Roland J.

Lown, Elizabeth D.

McCarthy, Daniel M.

McNerney, Daniel P.

McRae, Karen

Ouellette, Robert O.

Packard, Bonnie B.

Pepino, Leo P.

Riley, Frances L.

Rodgers, G. Philip

Stiles, Walter A.

Toomey, Daniel

Wheeler, David K.

Wihby, Linda S.

Wright, George W.

MERRIMACK

Hayes, Robert C.
Smith, Gerald R.

Holmes, Mary C.
Tolpin, Richard W.

Nichols, Avis B.
Trombly, Rick A.

ROCKINGHAM

Brown, Jeffrey M.
Campbell, Marilyn R.
Dube, LeRoy S.
Forsythe, Douglas G.
Hynes, Carolyn E.
McCain, William F.
McKinney, Betsy
Parr, Ednapearl F.
Rosencrantz, James R.
Splaine, John E., Sr.

Brown, Lewis W.
Chase, Lawrence A., Jr.
Flanagan, Natalie S.
Gage, Beverly A.
Kane, Cecelia D.
McCarthy, John J., Jr.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Roulston, Donald L.
Warburton, Calvin

Campbell, Eunice M.
Drake, Herbert R.
Ford, Bert H.
Hoar, John, Jr.
Magoon, Harold F.
McGovern, Cynthia A.
Pantelakos, Laura C.
Ritzo, Eugene
Sherburne, John L.
Wright, David B.

STRAFFORD

Appleby, James E.
Kincaid, William K.
Sullivan, Henry P.
Young, John B.

Brown, Julie M.
Marston, Robert E.
Torr, Ralph W.

Callaghan, Robert J.
McCann, William H., Jr.
Tsiros, William

SULLIVAN

Brodeur, Robert J.

Domini, Irene C.

Lucier, Edward A., Jr.

NAYS 231**BELKNAP**

Ballou, Richard A.
Golden, Paul A.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Bolduc, Dennis R.
Hardy, Earle D.
Randall, Kenneth A.
Rosen, Ralph J.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Delano, Robert F.
Gordon, Irvin H.
Laurent, John J.
Miller, Jeffrey C.
Pratt, Irene A.

Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.
Matson, William R.
Pearson, Gertrude B.
Sawyer, Alfred P.

Crutchley, Donald O.
Foster, Katherine D.
LaMar, David M.
Metzger, Katherine H.
Perry, David M.
Spear, Susan S.

COOS

Burns, Harold W.
Kilbride, Dennis J.
Nelson, Harold D.

Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Horton, Lynn C.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Scanlan, David M.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
LaMott, Paul I.
Shackett, Ralph E.

Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Nordgren, Sharon L.
Teschner, Douglass P.

Townsend, Howard C.
Weymouth, Philip H.

Ahrens, Frederick G.
Bourque, Ann J.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dyer, Merton S.
Ford, Nancy M.
Green, Scott E.
Gureckis, Adam C., Sr.
Jasper, Shawn N.
Kelley, Robert N.
Long, Linda D.
McDowell, James E.
Morrissette, Roland A.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Reidy, Frank J.
Sallada, Roland A.
Smith, Leonard A.
Turgeon, Roland M.

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea G.
Dunn, Miriam D.
Gilbreth, Robert M.
Hall, Douglas E.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
West, George M.

Anderson, Carl F., III
Boucher, William P.
Cooke, Annette M.
Flanders, Harry E.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
Parsons, Robert F.
Sanderson, Patricia O.
Sochalski, Matthew M.
Vartanian, Elsie
Wells, Henry E.

Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Amidon, Eleanor H.
Cox, Gladys M.
Dodge, Emma M.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Frank, Nancy G.
Grip, Robert H.
Harlan, Susan N.
Jean, Romeo W.
King, John A.
Mason, Howard F.
Messier, Irene M.
Murphy, Robert E.
Pappas, Toni
Provost, Gilles R.
Rheault, Lillian I.
Schneiderat, Catherine A.
Soucy, Lillian E.
Tyree, Paul M.

MERRIMACK

Apple, Lowell D.
Beaton, Nancy C.
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

ROCKINGHAM

Bell, Juanita L.
Buco, Stephen W.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Hollingworth, Beverly A.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Micklon, Stephanie K.
Popov, Elizabeth M.
Seward, Russell G.
Sytek, Donna P.
Vaughn, Charles L.

Ward, Kathleen W.

Barry, William M.
Desrochers, Gerard T.
Donovan, Francis X.
Dwyer, Patricia R.
Fields, Dennis H.
Goulet, Maurice E.
Guilbert, Lionel
Hatch, William H.
Keefe, Edmund M.
Lachut, Ervin R.
McCann, Bonnie Lou
Moore, Elizabeth A.
Nardi, Theodora P.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Steiner, Lee Anne S.
Upton, Barbara A.

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hager, Elizabeth
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Soldati, Jennifer
Wallner, Mary Jane

Benton, Richardson D.
Conroy, Janet M.
Fesh, Robert M.
Gage, Thomas U.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Skinner, Patricia M.
Tufts, J. Arthur
Weddle, Michael R.

STRAFFORD

Bernard, Mary E.
 Dionne, Albert J.
 Foss, Patricia H.
 Keans, Sandra B.
 Martling, W. Kent
 Parks, Joe B.
 Spencer, Leo J.
 Torr, Ann M.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda A.
 Pelley, Janet R.
 Stewart, Glenn W.
 Vincent, Francis C.

Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary R.
 Lachance, Douglas A.
 Meserve, John H.
 Scharff, Thomas E.
 Swope, Warren L.
 Wall, Janet G.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 Middleton, John A.
 Schotanus, Merle W.

Burling, Peter Hoe
 Krueger, Richard H.
 Peyron, Fredrik
 Stamatakis, Carol M.

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

and the motion lost.

Reps. Lozeau, Cote, and Stachowske abstained from voting under Rule 16.

Reps. Parr and McCain notified the Clerk that they inadvertently voted Yea, and meant to vote Nay.

Ordered to third reading.

HB 382-FN, to tax the removal of natural resources in municipalities and unorganized places and making an appropriation therefor. Re-refer to Committee.

This bill would impose a statewide severance tax on sand and gravel to be administered by the Department of Revenue Administration, with the tax collected returned to the affected cities and towns. The Committee understands that cities and towns incur costs associated with the removal of sand and gravel, but it believes a better approach would be enabling legislation that would let each municipality decide for itself to impose and collect such a tax. Vote 10-5. Rep. Neal M. Kurk for Ways and Means.

Report adopted.

HB 398-FN-A, relative to the return of revenue to cities and towns. Ought to Pass with Amendment.

This bill establishes a state-municipal revenue sharing program in which the distribution is increased/decreased each year by one-half the percentage change in general fund revenues in the prior year. The Committee amendment: (1) changes the effective date to 1 July 1991; (2) eliminates the floor and the cap on revenue sharing adjustments, and (3) phases out the existing \$6.0 million hold harmless provisions over four years (FY 1992-1996). This latter provision would reduce revenue sharing for 47 communities which have been held harmless for the past seventeen years, to the benefit of the other 187 communities which would gain approximately \$1.5 million annually. As amended, there will be no fiscal impact in the next biennium. Vote 16-1. Rep. Robert C. Hayes for Ways and Means.

Amendment

Amend the bill by replacing section 2 with the following:

2 Determination of Amounts Returnable. RSA 31-A:4 is repealed and reenacted to read as follows:

31-A:4 Determination of Amounts Returnable. The state treasurer shall distribute to the cities and towns each year an amount equal to the amount distributed in the

prior year which shall be increased or decreased by an amount equal to 1/2 of the percentage change in state general fund revenues between the 2 immediately preceding fiscal years.

Amend the bill by replacing section 4 with the following:

4 New Section; Formula for Distribution. Amend RSA 31-A by inserting after section 6 the following new section:

31-A:7 Formula for Distribution.

I. The state treasurer shall distribute state-municipal revenue sharing aid according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenue to local governments, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the department of revenue administration, pursuant to RSA 76:1; and multiplying the result by the local population to produce an equalizing factor for each city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount to be distributed to the cities and towns to produce the annual share of each city or town.

II. No city or town shall receive under the provisions of this section an amount less than the sum of:

(a) Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenues derived from RSA 77-A:20.

(b) Its 1982 distribution under the interest and dividends tax.

(c) Its 1982 distribution under the savings bank tax.

(d) 75 percent of its 1976 distribution under RSA 78-A:23.

III. The funds for any adjustment in paragraph II shall be provided by a pro rata reduction in the amounts distributed to those cities and towns otherwise receiving more than the result of the above calculation.

IV. The provisions of RSA 31-A:7, II and III shall be phased out over a 4-year period beginning with fiscal year 1992, as provided below:

(a) In fiscal year 1992, such adjustment shall be reduced by 25 percent.

(b) In fiscal year 1993, such adjustment shall be reduced by 50 percent.

(c) In fiscal year 1994, such adjustment shall be reduced by 75 percent.

(d) In fiscal year 1995, such adjustment shall be reduced by 100 percent.

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill creates the state-municipal revenue sharing program, to replace the current provisions of RSA 31-A. This bill provides that the state treasurer shall distribute to the cities and towns each year an amount equal to the amount distributed in the prior year, which shall be increased or decreased by an amount equal to 1/2 of the percentage change in state general fund revenues between the 2 immediately preceding fiscal years. This bill sets the time for payment of such revenues as well as the formula for their distribution, and a provision for phasing out adjustments in the funds to be distributed.

This bill appropriates sums sufficient to make the payments required by its provisions.

Reps. Bourque, Holbrook, Dyer, Stiles, Oleson, Meserve and Chambers spoke against the amendment.

Rep. Hayes spoke in favor of the amendment.

A quorum count was requested.

The Speaker declared a quorum present.

Rep. Sytek spoke in favor of the amendment and yielded to questions.

Rep. Burns moved the previous question.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 139

NAYS 204

YEAS 139

BELKNAP

Ballou, Richard A.
Locke, Matthew J.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Pearson, Ralph W.

Hardy, Earle D.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.

Chandler, Gene G.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

CHESHIRE

Cole, Stacey W.
Gordon, Irvin H.
Metzger, Katherine H.
Young, David A.

Crutchley, Donald O.
Grodin, Richard A.
Perry, David M.

Delano, Robert F.
Hunt, John B.
Sawyer, Alfred P.

COOS

Burns, Harold W.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Markley, J. Keith
Wadsworth, Karen O.

Bean, Pamela B.
Dow, David O.
Scanlan, David M.

Brown, Channing T.
Driscoll, William J.
Townsend, Howard C.

HILLSBOROUGH

Ahrens, Frederick G.
Cowenhoven, Garret P.
Elliott, Larry G.
Holden, Carol H.
Kurk, Neal M.
Moore, Elizabeth A.
Record, Alice B.
Searles, Stanley N., Sr.
Wright, George W.

Alukonis, David J.
Cox, Gladys M.
Fields, Dennis H.
Jasper, Shawn N.
Lawrence, Norman B.
Packard, Bonnie B.
Robinson, Ellen-Ann
Steiner, Lee Anne S.

Barry, Vivian
Dodge, Emma M.
Foote, Herbert N., Sr.
Kelley, Robert N.
Mason, Howard F.
Perham, Lester R.
Sallada, Roland A.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
West, George M.

Barberia, Richard A.
Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Whittemore, James A.

Bardsley, Elizabeth S.
Fraser, Leo W., Jr.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.

ROCKINGHAM

Benton, Richardson D.
Chase, Lawrence A., Jr.
Fesh, Robert M.
Gage, Beverly A.
King, Roger C.
Mace, Ada L.
Micklton, Stephanie K.
Parsons, Robert F.
Simon, Peter M.
Stachowske, Vicki
Vartanian, Elsie
Wells, Henry E.

Boucher, William P.
Cooke, Annette M.
Flanders, Harry E.
Hoelzel, Kathleen M.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Palumbo, Vincent J., Jr.
Roulston, Donald L.
Skinner, Patricia M.
Sytek, Donna P.
Warburton, Calvin

Buco, Stephen W.
Cote, Patricia L.
Flanders, John W., Sr.
Johnson, Robert A.
MacDonald, Maurice B.
McCain, William F.
Parr, Ednapearl F.
Seward, Russell G.
Sochalski, Matthew M.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Kincaid, William K.
Parks, Joe B.
Torr, Ann M.

Bickford, Drucilla
Flynn, Edward J.
Marston, Robert E.
Stewart, Glenn W.
Tsiros, William

Brown, Julie M.
Foss, Patricia H.
Martling, W. Kent
Swope, Warren L.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

NAYS 204**BELKNAP**

Bolduc, Dennis R.
Randall, Kenneth A.
Rosen, Ralph J.

Golden, Paul A.
Rice, Thomas E. P., Jr.
Turner, Robert H.

Holbrook, Robert G.
Richardson, Lawrence
White, James J.

CARROLL

Foster, Robert W.

CHESHIRE

Blacketor, Paul G.
Foster, Katherine D.
Laurent, John J.
Morse, JoAnn T.
Spear, Susan S.

Cole, Kenneth A.
Hill, Douglas E.
Matson, William R.
Pearson, Gertrude B.

Doucette, Richard F.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Horton, Lynn C.
Mayhew, Josephine
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
Guest, Robert H.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.
Shackett, Ralph E.
Ward, Kathleen W.

Chambers, Mary P.
Eno, Larry E.
Nordgren, Sharon L.
Stewart, Roger
Weymouth, Philip H.

HILLSBOROUGH

Amidon, Eleanor H.
 Bicknell, Robert C.
 Bowers, Dorothy C.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Dyer, Merton S.
 Ford, Nancy M.
 Genest, Fernand A.
 Grip, Robert H.
 Hall, Betty B.
 Healy, Daniel J.
 Jean, Romeo W.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Long, Linda D.
 McCann, Bonnie Lou
 McNerney, Daniel P.
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Reidy, Frank J.
 Rodgers, G. Philip
 Soucy, Lillian E.
 Turgeon, Roland M.
 Wihby, Linda S.

Baldizar, Barbara J.
 Boucher, Lionel R.
 Burkush, Peter A.
 Donovan, Francis X.
 Dube, Ellen C.
 Dykstra, Leona
 Frank, Nancy G.
 Goulet, Maurice E.
 Guilbert, Lionel
 Harlan, Susan N.
 Hultgren, David D.
 Jenkins, Mary
 King, John A.
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McCarthy, Daniel M.
 McRae, Karen
 Murphy, Robert E.
 Ouellette, Robert O.
 Pignatelli, Debora B.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Stiles, Walter A.
 Tyree, Paul M.

Barry, William M.
 Bourque, Ann J.
 Desrosiers, William J.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Emerton, Lawrence A., Sr.
 Gagnon, Gabrielle V.
 Green, Scott E.
 Gureckis, Adam C., Sr.
 Hatch, William H.
 Hunter, Bruce F.
 Johnson, Lionel W.
 Klose, John F.
 Lefebvre, Roland J.
 Lozeau, Donnalee M.
 McDowell, James E.
 Messier, Irene M.
 Nardi, Theodora P.
 Pappas, Toni
 Provost, Gilles R.
 Riley, Frances L.
 Smith, Leonard A.
 Toomey, Daniel
 Upton, Barbara A.

MERRIMACK

Apple, Lowell D.
 Carter, Susan D.
 Gilbreth, Robert M.
 Smith, Gerald R.
 Tolpin, Richard W.

Beaton, Nancy C.
 Daneault, Gabriel
 Jacobson, Alf E.
 Soldati, Jennifer
 Trombly, Rick A.

Braiterman, Thea G.
 Dunn, Miriam D.
 Pantzer, Eugene E.
 Teague, Bert
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Campbell, Eunice M.
 Drake, Herbert R.
 Ford, Bert H.
 Hoar, John, Jr.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McKinney, Betsy
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Splaine, John E., Sr.
 Wright, David B.

Bell, Juanita L.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Forsythe, Douglas G.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 McCarthy, John J., Jr.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Sanderson, Patricia O.
 Vaughn, Charles L.

Brown, Lewis W.
 Conroy, Janet M.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 MacKinnon, Nancy W.
 McGovern, Cynthia A.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Sherburne, John L.
 Weddle, Michael R.

STRAFFORD

Appleby, James E.
 Dionne, Albert J.

Burton, Wayne M.
 Frechette, Roland A.

Callaghan, Robert J.
 Gilmore, Gary R.

Keans, Sandra B.
McCann, William H., Jr.
O'Brien, John
Spencer, Leo J.
Vincent, Francis C.
Young, John B.

Kinney, Paula J.
Merrill, Amanda A.
Pelley, Janet R.
Sullivan, Henry P.
Wall, Janet G.

Lachance, Douglas A.
Meserve, John H.
Scharff, Thomas E.
Torr, Ralph W.
Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
Lucier, Edward A., Jr.
and the amendment lost.

Burling, Peter Hoe
Stamatakis, Carol M.

Domini, Irene C.

Rep. Gerard Desrochers informed the Clerk that he wished to be recorded against the amendment.

Question now being the adoption of the Committee Report, Ought to Pass.

Report adopted.

Referred to Appropriations.

HB 414-FN-A, to redefine gross business profits for partnerships, trusts and estates under the business profits tax. Ought to Pass with Amendment.

This bill, as amended, closes a loophole in our current Business Profits Tax statutes. It provides for taxation of a business organization when the basis (cost) of an asset is increased. If passed, the state's revenues could increase by \$2,000,000. However, the state could face a loss of \$10,000,000 in revenue if this bill is not enacted. Vote 17-0. Rep. Garret P. Cowenhoven for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the sale or exchange of beneficial interests in
business organizations for business
profits tax purposes.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Sale or Exchange of Beneficial Interest. Amend RSA 77-A:4 by inserting after paragraph XIII the following new paragraph:

XIV. In the case of a business organization where an interest or beneficial interest in the organization has been sold or exchanged, an addition to gross business profits of an amount equal to the net increase in the basis of all underlying assets transferred or sold through the sale or exchange of the interest. The increase in the basis of the assets shall be determined in accordance with the provisions of the Internal Revenue Code as defined by RSA 77-A:1, XX.

3 Effective Date. This act shall take effect upon its passage, and shall apply to returns and taxes due on account of taxable periods beginning on or after January 1, 1989.

AMENDED ANALYSIS

This bill provides that in determining the taxable business profits of a business organization where an interest or beneficial interest in such organization has been sold or exchanged, an addition to gross business profits shall be made of an amount equal to the net increase in the basis of all underlying assets transferred or sold through the sale or exchange of the interest.

Amendment adopted.

Ordered to third reading.

HB 439-FN-A, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of alcohol and drug abusers. Ought to Pass with Amendment.

This bill, as amended, recognizes the House's wish (by a previous vote on this bill) that there be a connection between the liquor revenue and substance abuse treatment. The amendment directs the Liquor Commission to selectively raise prices on wine and spirits in an amount sufficient to generate \$642,000 (twice its advertising budget) in FY 1990 and \$963,000 (three times its advertising budget) in FY 1991. This revenue will be used by the Office of Alcohol and Drug Abuse Prevention to fund expanded substance abuse treatment and prevention services. Vote 13-4. Rep. Donna P. Sytek for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

generating additional revenues for use in the prevention
and treatment of alcohol and drug abuse.

Amend the bill by replacing all after the enacting clause with the following:

1 Additional Liquor and Wine Revenue; Supplemental Appropriation to Office of Alcohol and Drug Abuse Prevention.

I. Notwithstanding any other provision of law or rule to the contrary, the liquor commission shall selectively adjust its prices for liquor, as defined in RSA 175:1, I, in amounts sufficient to generate revenue in addition to the amounts estimated in the operating budget as unrestricted liquor revenue for fiscal years 1990 and 1991 equal to 2 times its advertising budget for the fiscal year ending June 30, 1990, and 3 times its advertising budget for the fiscal year ending June 30, 1991.

II. Notwithstanding any other provision of law or rule to the contrary, the additional revenue generated by the liquor commission under paragraph I is appropriated to the office of alcohol and drug abuse prevention for the fiscal years ending June 30, 1990, and June 30, 1991, to be used by the office for expanded substance abuse treatment and prevention services. These appropriations shall be in addition to any other sums appropriated to the office of alcohol and drug abuse prevention. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill directs the liquor commission to generate a certain amount of revenue in addition to the amounts estimated in the operating budget as unrestricted revenue for fiscal years 1990 and 1991. The additional revenues are appropriated to the office of alcohol and drug abuse prevention for expanded substance abuse treatment and prevention services.

Amendment adopted.

Rep. Sytek yielded to questions.

Referred to Appropriations.

HB 749-FN, relative to the sale of fireworks and levying a tax thereon. Inexpedient to Legislate.

The Committee felt the policy on fireworks should be addressed in Senate Bill 38, and will work with the Public Protection and Veterans Affairs Committee on any revenues that might be generated on fireworks. Vote 12-3. Rep. Avis B. Nichols for Ways and Means.

Resolution adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, April 11 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 291-FN-A, relative to the real estate transfer tax.

HB 532-FN, establishing a committee to study the revenue structure in New Hampshire.

HB 327-FN-A, relative to the rate of the real estate transfer tax.

HB 422-FN-A, relative to increasing the rate of the business profits tax, and relative to establishing a committee to study the business profits tax.

HB 414-FN-A, relative to the sale or exchange of beneficial interests in business organizations for business profits tax purposes.

Rep. Palumbo offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 205 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

SB 205, relative to establishing the New Hampshire energy authority and making an appropriation therefor.

The Speaker referred SB 205-FN-A, to the Joint Committee to Monitor Public Service Company of New Hampshire Reorganization Proceedings (House).

SUSPENSION OF THE RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings and report for consideration on Tuesday, April 11, 1989, on HB 439, generating additional revenues for use in the prevention and treatment of alcohol and drug abuse, and on HB 398, relative to the return of revenue to cities and towns, without the required notice in the calendar.

Adopted by the necessary two-thirds.

ENROLLED BILLS REPORT

HB 163, concerning certain labor laws.

HB 176, requiring certificates of title for vehicles owned by the state and political subdivisions.

HB 201, relative to protective custody of abused or neglected animals.

HB 285, relative to liens on real property for hazardous waste cleanup costs.

HB 408, relative to a study of the highways in Sullivan and Cheshire counties.

HB 51, relative to a vehicle width on certain highways.

Rep. Mary Ann Lewis

For the Committee

Rep. Scamman, for the entire House, offered the following:

HOUSE RESOLUTION NO. 23

memorializing former State Representative Geraldine G. Watson of Merrimack

WHEREAS, we have learned with great sorrow of the death of Geraldine G. Watson who between 1977 and 1988 served four terms as a distinguished and honorable member of the New Hampshire House of Representatives, and

WHEREAS, during her tenure, Geraldine G. Watson was a devoted member of the Standing Committees on Children, Youth and Elderly Affairs; Commerce, Small Business and Consumer Affairs; Executive Departments and Administration; Judiciary; and State Institutions, and

WHEREAS, having been born in Milwaukee, Wisconsin, Geraldine G. Watson settled in Merrimack where she was a contributing member of the community, serving as Chairwoman of the School Board and Delegate to the Constitutional Convention, and

WHEREAS, having been a graduate of Chicago Teachers College and the University of Chicago, Geraldine G. Watson was a teacher at Nashua High School and an Associate Dean at Daniel Webster College, and

WHEREAS, Geraldine G. Watson was a veteran of the United States Air Force, having served her country during the Korean Conflict, and

WHEREAS, Geraldine G. Watson served several years in the U.S. State Department, having been assigned to embassies in Burma and Venezuela, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Geraldine G. Watson be given highest praise and publicly lauded for her outstanding tenure as a State legislator, educator and community leader, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to her family, and that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

HOUSE RESOLUTION NO. 22

memorializing State Representative Clyde S. Eaton of Greenville

WHEREAS, we have learned with great sorrow of the death of Representative Clyde S. Eaton who was serving his tenth consecutive term as a dedicated and devoted member of the New Hampshire House, and

WHEREAS, for nineteen years, Clyde S. Eaton, with honor and diligence, did serve his constituents in District Seventeen of Hillsborough County as a member of the Standing Committees on Labor, Human Resources and Rehabilitation; Liquor Laws; Regulated Revenues; and Statutory Revision, and

WHEREAS, having been a native of Greenville, New Hampshire, Clyde S. Eaton chose to live his entire life in the town of his birth, serving the community in numerous capacities including as Road Agent and Water Commissioner, and

WHEREAS, Clyde S. Eaton was a longtime businessman in the Greenville area, respected and esteemed for his integrity and solid Yankee work ethic, and

WHEREAS, in 1929, Clyde S. Eaton graduated from the University of New Hampshire and in later years served as class Alumni President, and

WHEREAS, for many years, Clyde S. Eaton was an honorable member of the Wilton Lions Club and also a loyal and esteemed 32nd degree Mason, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Clyde S. Eaton be granted highest praise and recognition for his long service as a hardworking state legislator, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Committee Assignment

Rep. Shackett was appointed to the Committee on Constitutional and Statutory Revision.

Rep. Burns moved that the House stand in recess.

Adopted.

The House recessed 4:10 p.m.

RECESS

(Rep. Rodeschin in the Chair)

ENROLLED BILLS REPORT

HB 223, relative to investment of state funds in corporations doing business in Northern Ireland.

Rep. Mary Ann Lewis
For the Committee

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 18

Tuesday, April 11, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. John B. McCall.

O God of yesterday and tomorrow, we pause before You as the One who hears the joys and sorrows of every generation. We acknowledge how hard it is to know what things matter and what things do not. Much of what we say and do will be little remembered. Other concerns which we may take lightly are of utmost importance.

Some battles which were hard fought no longer matter. Many debates, won and lost, have faded into memory. But just as surely, we face decisions which may indeed affect our lives for generations.

Grant us the wisdom to discern those issues which truly matter. Help us to listen with insight and conviction, not only to ourselves, but to others. Give us a sense of justice and of mercy so that we may be responsive to the hopes and dreams of Your people in this state, this nation and this world, we pray. Amen.

Rep. Brungot led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Manus, Avery, Daniel Eaton, Grip, Felch, Genest, Daigle, Tyree and Perry, the day, illness.

Reps. Saunders, Spencer, Callaghan, Prestipino, Lemire, Willard Young, Musler, Dykstra, Meserve, Parsons, Roulston, Hatch, Beaupre, Ralph Torr, Russell Chase and Klose, the day, important business.

Reps. Joseph MacDonald, Rheault, Forsythe and Mayhew, the day, illness in the family.

INTRODUCTION OF GUESTS

Norma St. Germain, guest of Rep. Malcolm; a delegation from the New Hampshire Congress of Parents and Teachers, guests of Reps. Holden, Robinson and Skinner; the fourth grade of Dunbarton Elementary School and its teacher, Mrs. Carol Harris, and the Hon. Merton Mann, District Director for Congressman Charles Douglas, guests of Rep. Stio; Edith Grodin, Chairman of the State Council on the Arts, guest of the Speaker; L. Delos Daines of Salt Lake City, Utah, and Gary S. Carter, father and husband of Rep. Carter.

Susan Bonaiuto, Emil Birch and Marie Harris addressed the House and gave a slide presentation about the Percent for Arts Program.

ENROLLED BILLS REPORT

HB 119-FN, making technical changes in certain revenue statutes for the department of revenue administration.

HB 320-FN-A, relative to the penalty for overdue payments under the interest and dividends tax.

HB 325, relative to disciplinary actions against veterinarians.

HB 338, relative to the authority of the Hillsborough county convention to employ a delegation coordinator.

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability.

HB 402-FN, relative to the state archivist.

HB 456-FN, changing the due date for county taxes.

HB 460-FN, relative to notice that tax payments may be due under the interest and dividends tax.

HB 472, relative to appeals to the zoning board of adjustment.

HB 473, relative to building codes in municipalities.

HB 484, relative to checkout procedures after votes are cast.

HB 554, relative to the advisory council on the sale and fitting of hearing aids.

HB 617-FN, relative to the public utilities commission appointing a receiver for a public water utility.

HB 625-FN, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses.

HB 655-FN, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer.

HB 15, repealing certain laws relative to measuring wood.

HB 71, relative to the department of education.

HB 134-FN, relative to the deaf and hard of hearing.

HB 159, repealing certain railroad bridge requirements.

HB 182-FN, reclassifying certain highways in the towns of Carroll and Belmont.

HB 197-FN, to reclassify portions of certain highways in the town of Seabrook.

HB 247-FN, relative to the transfer of funds for turnpikes from the general reserve account.

HB 272-FN, relative to Pike's school in Haverhill, New Hampshire.

HB 494, relative to the transition period for a new state treasurer and a new secretary of state.

Rep. Mary Ann Lewis

For the Committee

Rep. Kidder addressed the House on Appropriations bills, HBs 200, 764 and 777.

Rep. Gross requested a quorum count.

The Speaker declared a quorum present.

Reps. Gross, LaMott and Hager addressed the House on the Appropriations bills, HBs 200, 764 and 777.

SENATE MESSAGE

(Deputy Speaker Burns in the Chair)

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 523, relative to a privilege for confidential communications between guardian ad litem and child.

Rep. Bean moved that the House concur. (SJ 13, 4/4/89)

Adopted.

HB 729-FN, requiring labeling of solid and hazardous waste collection containers.

Rep. Elizabeth Greene moved that the House concur. (SJ 12, 3/30/89)

Adopted.

HB 148-FN, relative to relocation assistance and real property acquisition.

Rep. Phelps moved that the House concur. (SJ 13, 4/4/89)

Adopted.

SPECIAL ORDER

HB 385-FN-A, to exempt meals prepared in the state house cafeteria from the meals and rooms tax. Ought to Pass with Amendment.

This bill, as amended, increases the tax on meals and rooms from seven percent to seven and a half percent which will generate \$13 million in additional revenue. Also, by an appropriation of \$4 million, the bill increases the state's vacation travel promotion. The Committee heard testimony urging it to increase the advertising budget to a more competitive level. The Committee felt this tax increase is necessary to help fund HB 200 and the programs in HB 777. Vote 14-3. Rep. Edward Densmore for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

increasing the tax on meals and rooms from 7 to 7 1/2 percent
and making appropriations for vacation travel promotion.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax Increased. Amend RSA 78-A:6, I and II to read as follows:

I. A tax of [7] **7 1/2** percent of the rent is imposed upon each occupancy.

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

(a) [Two] **Three** cents for a charge between \$.36 and \$.[38] **40** inclusive;

(b) [Three] **Four** cents for a charge between \$.[39] **41** and \$.53 inclusive;

(c) [Four] **Five** cents for a charge between \$.54 and \$.66 inclusive;

(d) [Five] **Six** cents for a charge between \$.67 and \$.[74] **80** inclusive;

(e) [Six] **Seven** cents for a charge between \$.[75] **81** and \$.93 inclusive;

(f) [Seven] **Eight** cents for a charge between \$.94 and \$1.00 inclusive.

(g) [Seven] **Seven and one half** percent of the charge for taxable meals over \$1.00, provided that fractions of cents shall be rounded up to the next whole cent.

2 Reference to Rate Increase. Amend RSA 78-A:7, IV to read as follows:

IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due at [7] **7 1/2** percent of the total taxable rent or charge for meals received by him, or both, exclusive of the taxes collected on such rents and charges. If this election is made, the operator may not change the method of computing taxes without the written consent of the department. Any balance of the tax remaining in possession of the operator may be retained by him.

3 Appropriation; Vacation Travel Promotion. The following sums are appropriated to the department of resources and economic development, division of economic development, for vacation travel promotion for the line items specified:

	Fiscal Year 1990	Fiscal Year 1991
90 Printing adv branch office	\$2,298,190	\$3,053,190
93 Joint promotional advertising	1,103,250	1,273,250

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Appropriation in Lieu of Appropriation in Operating Budget. The appropriation made to the department of resources and economic development, division of economic development in section 3 of this act for the line items specified for the purposes

of vacation travel promotion shall be in lieu of any appropriation made to such department for such purposes in the operating budget for the biennium ending June 30, 1991. Any appropriation in the operating budget to the department of resources and economic development for such purposes shall be null and void and of no effect.

5 Totals Adjusted. The legislative budget assistant is authorized to adjust total and sources of funding in the 1990-1991 operating budget as made necessary by the passage of this act, provided that the source of funding for the appropriations made in section 3 of this act shall be the general fund.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect upon its passage, and shall apply to taxes due and collected after June 30, 1989.

II. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill increases the tax imposed upon meals and rooms from 7 to 7 1/2 percent.

The bill also makes certain operating budget appropriations for 1990 and 1991 for vacation travel promotion, to be in lieu of appropriations in the operating budget.

Amendment lost.

Rep. Sytek offered an amendment.

Rep. Densmore spoke to the amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making appropriations for vacation travel promotion and
increasing the rate of the tobacco tax.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Vacation Travel Promotion. The following sums are appropriated to the department of resources and economic development, division of economic development, for vacation travel promotion for the line items specified:

	Fiscal Year 1990	Fiscal Year 1991
90 Printing adv branch office	\$1,748,190	\$2,103,190
93 Joint promotional advertising	903,250	973,250

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Appropriation in Lieu of Appropriation in Operating Budget. The appropriation made to the department of resources and economic development, division of economic development in section 1 of this act for the line items specified for the purposes of vacation travel promotion shall be in lieu of any appropriation made to such department for such purposes in the operating budget for the biennium ending June 30, 1991. Any appropriation in the operating budget to the department of resources and economic development for such purposes shall be null and void and of no effect.

3 Totals Adjusted. The legislative budget assistant is authorized to adjust total and sources of funding in the 1990-1991 operating budget as made necessary by the passage of this act, provided that the source of funding for the appropriations made in section 1 of this act shall be the general fund.

4 Cigarette Tax Increase. Amend RSA 78:7 to read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of [17] **21** cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

5 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

The bill makes certain operating budget appropriations for 1990 and 1991 for vacation travel promotion, to be in lieu of appropriations in the operating budget.

This bill also increases the rate of the cigarette tax from 17 cents to 21 cents.

Amendment adopted.

Question now being order to third reading.

A roll call was requested. Sufficiently seconded.

YEAS 284

YEAS 284

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

NAYS 44

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Barber, Robert E., Jr.
Delano, Robert F.
Gordon, Irvin H.
Metzger, Katherine H.
Pratt, Irene A.

Cole, Stacey W.
Doucette, Richard F.
Grodin, Richard A.
Miller, Jeffrey C.
Sawyer, Alfred P.

Crutchley, Donald O.
Foster, Katherine D.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan S.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Oleson, Otto H.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.

Arnesen, Deborah L.
Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Nordgren, Sharon L.

Bean, Pamela B.
Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.
Rose, William B.

Scanlan, David M.
 Townsend, Howard C.
 Weymouth, Philip H.

Shackett, Ralph E.
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Teschner, Douglass P.
 Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet G.
 Bourque, Ann J.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Dyer, Merton S.
 Foote, Herbert N., Sr.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Hultgren, David D.
 Jenkins, Mary
 Knight, Alice Tirrell
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland A.
 Perham, Lester R.
 Record, Alice B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Steiner, Lee Anne S.
 Turgeon, Roland M.
 Wihby, Linda S.

Amidon, Eleanor H.
 Biondi, Christine A.
 Bowers, Dorothy C.
 Desrosiers, William J.
 Donovan, Francis X.
 Dube, Ellen C.
 Emerton, Lawrence A., Sr.
 Ford, Nancy M.
 Green, Scott E.
 Harlan, Susan N.
 Jasper, Shawn N.
 Keefe, Edmund M.
 Kress, Gloria W.
 Long, Linda D.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Rodgers, G. Philip
 Smith, Leonard A.
 Stiles, Walter A.
 Upton, Barbara A.
 Wright, George W.

Baldizar, Barbara J.
 Boucher, Lionel R.
 Cox, Gladys M.
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Fields, Dennis H.
 Frank, Nancy G.
 Guilbert, Lionel
 Holden, Carol H.
 Jean, Romeo W.
 Kelley, Robert N.
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Pappas, Toni
 Provost, Gilles R.
 Riley, Frances L.
 Sallada, Roland A.
 Soucy, Lillian E.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hager, Elizabeth
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene E.
 Provencal, Leo A.
 Stio, Peter M.
 Wallner, Mary Jane

Apple, Lowell D.
 Beaton, Nancy C.
 Carter, Susan D.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Teague, Bert
 West, George M.

Barberia, Richard A.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Gross, Caroline L.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Soldati, Jennifer
 Tolpin, Richard W.
 Whittemore, James A.

ROCKINGHAM

Bell, Juanita L.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Greene, Elizabeth A.

Benton, Richardson D.
 Campbell, Eunice M.
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanders, John W., Sr.
 Hoar, John, Jr.

Boucher, William P.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Fesh, Robert M.
 Gage, Thomas U.
 Hoelzel, Kathleen M.

Hollingworth, Beverly A.
Kane, Cecelia D.
King, Roger C.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McKinney, Betsy
Pantelakos, Laura C.
Remick, Barbara R.
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Tufts, J. Arthur
Warburton, Calvin
Wright, David B.

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra B.
Marston, Robert E.
Parks, Joe B.
Stewart, Glenn W.
Torr, Ann M.
Wall, Janet G.

Behrens, Thomas A.
Flint, Gordon B.
Lucier, Edward A., Jr.
Peyron, Fredrik
Stamatakis, Carol M.

Hynes, Carolyn E.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
McCain, William F.
Micklon, Stephanie K.
Parr, Ednapearl F.
Rosencrantz, James R.
Seward, Russell G.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie
Welch, David A.

STRAFFORD

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Kincaid, William K.
Martling, W. Kent
Pelley, Janet R.
Sullivan, Henry P.
Tsiros, William
Wheeler, Katherine Wells

SULLIVAN

Burling, Peter Hoe
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 44

CHESHIRE

Hill, Douglas E.
Morse, JoAnn T.

Hunt, John B.
Young, David A.

COOS

Merrill, Gerald P.

Dow, David O.

Alukonis, David J.
Elliott, Larry G.
Hunter, Bruce F.
Kurk, Neal M.
Mason, Howard F.
Packard, Bonnie B.
Wheeler, David K.

GRAFTON

Markley, J. Keith
HILLSBOROUGH

Barry, Vivian
Gagnon, Gabrielle V.
Johnson, Lionel W.
Lawrence, Norman B.
Nardi, Theodora P.
Pepino, Leo P.

ROCKINGHAM

Anderson, Carl F., III
Drake, Herbert R.

Brown, Jeffrey M.
Flanders, Harry E.

Johnson, Robert A.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Mace, Ada L.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Popov, Elizabeth M.
Sanderson, Patricia O.
Sherburne, John L.
Sochalski, Matthew M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Burton, Wayne M.
Flynn, Edward J.
Gilmore, Gary R.
Kinney, Paula J.
Merrill, Amanda A.
Scharff, Thomas E.
Swope, Warren L.
Vincent, Francis C.
Young, John B.

Domini, Irene C.
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

LaMar, David M.

Stewart, Roger

Cowenhoven, Garret P.
Hall, Betty B.
King, John A.
Lozeau, Donnalee M.
Ouellette, Robert O.
Toomey, Daniel

Buco, Stephen W.
Ford, Bert H.

Gage, Beverly A.
Palazzo, Frank J., Sr.

MacKinnon, Nancy W.
Raynowska, Bernard J.

Magoon, Harold F.

STRAFFORD

Appleby, James E.
O'Brien, John

Brown, Julie M.

McCann, William H., Jr.

SULLIVAN

Brodeur, Robert J.

and HB 385-FN-A was ordered to third reading.

Reps. Blacketor and Ritzo wished to be recorded in favor of the bill.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 104-FN, relative to common and contract carriers, was removed at the request of Rep. Palumbo.

HB 113-A, to define certain police trainers as permanent policemen for retirement system purposes, was removed at the request of Rep. Ward.

HB 305-FN-A, relative to a community oriented transportation planning study of certain highways and making an appropriation therefor, was removed at the request of Rep. LaMott.

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor, was removed at the request of Rep. Dickinson.

HB 574-FN, relative to licensure of mental health professionals, was removed at the request of Rep. George Wright.

SB 175-FN-A, making an appropriation to the arts development program, was removed at the request of Rep. Riley.

Adopted.

HB 32-A, relative to the Hampton seawall and making an appropriation therefor. (A) Ought to Pass.

This bill authorizes the Department of Resources and Economic Development to expend \$700,000 from unexpended bonded funds authorized per 1987, 3:1; establishes a special non-lapsing fund to retire 50% of principal and interest on bonds and notes issued for replacing the Hampton Beach seawall; and extends appropriation lapse date to May 30, 1991. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

HB 39, relative to the distribution of OHRV fees. (A) Ought to Pass.

This bill distributes \$4 of the \$18 OHRV registration fee to the Department of Resources and Economic Development for grant in aid and grooming equipment, and splits the remaining \$14: 45% to DRED for administration and 55% to Fish and Game for enforcement. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

HB 82-FN, relative to the police standards and training council. (A) Ought to Pass.

This bill corrects a statutory reference in a law dealing with police training programs for state hospital security officers. Police Standards and Training Council will absorb the cost. Vote 14-0. Rep. Joanne A. O'Rourke for Appropriations.

HB 84-FN, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system. (A) Ought to Pass.

This bill is the result of a request by the Retirement System. It addresses Group I only and provides for employees to join the system from date of employment and

spells out how adjustments will be made if the employer is unable or unwilling to participate. Vote 17-0. Rep. Kathleen W. Ward for Appropriations.

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system. (A) Ought to Pass with Amendment.

This bill is the result of a court case and is recommended by the Department of Justice to clearly define the penalty when an employer fails to enroll an employee at the proper time of employment. The amendment requires the employer to pay for the actuary's cost and pay one-half of the accrued liability cost of prior service, the employee to pay one-half. Current law is two-thirds to one-thirds. Vote 17-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Purchasing Credit for Prior Services. RSA 100-A:3, VI is repealed and reenacted to read as follows:

VI. (a) If a member of this system or a predecessor system ceases to be a member and withdraws his accumulated contributions, and later again becomes a member and wishes to receive prior service credit for the previous time served as a member, or if a member wishes to receive prior service credit for a period during which he was employed in a temporary, unclassified, or nonclassified capacity, or in any non-permanent full-time employment prior to becoming a member, the member may petition the board of trustees to obtain an actuary's statement indicating the costs, provided that such prior service shall have a duration of 6 months or more and further provided that the member agrees to pay for the statement.

(b) In the case of prior service credit for time served as a member for which the member's accumulated contributions have been withdrawn, the amount determined by the actuary shall be the member annuity savings fund share plus accumulated earnings thereon only. For all other prior service credit the amount determined by the actuary shall include both the member annuity savings fund share plus accumulated earnings thereon and the state annuity accumulation fund share plus accumulated earnings thereon.

(c) Upon payment by the member of the amount determined by the actuary, and with the approval of the board, the member shall receive credit for such prior service.

(d) In the case of an employer which through its own fault, and not the fault of the employee, failed to enroll an eligible employee at the time such employee became eligible for membership in this retirement system or a predecessor system, the employer and not the employee shall pay the cost of the actuary's statement obtained under this subparagraph. The actuary's statement shall be based on the accrued liability cost of prior service credit. In addition, for service rendered before July 1, 1989, if such employee has not received final approval of the board on or before June 30, 1989, to receive credit for such service, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2. For service rendered after June 30, 1989, the employer shall pay 1/2 of the amount determined by the actuary and the employee shall pay 1/2. Upon payment, and with the approval of the board, the member shall receive credit for prior service. For the purposes of this subparagraph with respect to service rendered after June 30, 1989, only, any case of failure to enroll a person after June 30, 1989, for whom membership is compulsory under the

provisions of this chapter shall be presumed to be the fault of the employer. With respect to prior service rendered after June 30, 1989, only, any case of failure to enroll a person for whom membership is optional under the provisions of this chapter shall be presumed to be the fault of the employer in the absence of documentary evidence of the person's election. Provided, however, that in any case under this subparagraph in which the employee is required to pay 1/2 the amount determined by the actuary, if the employee demonstrates to the satisfaction of the board that the employee is financially incapable of paying 1/2 of the amount determined by the actuary, then the employer shall pay 1/2 of the amount determined by the actuary directly to the employee, and the employee shall not receive credit for such prior service.

(e) A petition for prior service credit under subparagraph (a) shall be filed by a member and shall be filed prior to said member's retirement or death. A petition for relief under subparagraph (d) shall be filed by an employee in service, a member in service, or a beneficiary, and shall be filed within 3 years after the earlier of the dates upon which the employee became a member of the retirement system or died.

(f) The board of trustees shall adopt rules, pursuant to RSA 541-A, relative to permitting employees to pay the amount determined by the actuary under subparagraph (d) on an installment basis.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; Notice of Option to Join Retirement System. Amend RSA 100-A:3 by inserting after paragraph I the following new paragraph:

I-a. Any person who is elected or appointed for a fixed term on or after July 1, 1989, and for whom membership in the retirement system is optional under paragraph I, shall be given by his employer written notice within a reasonable time after election or appointment of his option to join the retirement system.

5 New Section; Notice of Option to Join Retirement System. Amend RSA 100-A by inserting after section 22 the following new section:

100-A:22-a Notice. Any officer or employee for whom membership in the retirement system first becomes optional under RSA 100-A:22 on or after July 1, 1989, shall be given by his employer within a reasonable time after the date upon which membership becomes optional written notice of his option to join the retirement system.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill requires an employer who fails to enroll an employee in the retirement system at the appropriate eligibility period to pay the cost of the actuary's statement used to determine the cost of purchasing prior service credit. The actuary's statement is based on the accrued liability cost of prior service credit.

The bill determines what share the employer and the employee pay for the cost of prior service in order to receive prior service credit, and determines fault for failure to enroll employees in the retirement system.

The bill also repeals the requirement that an employee must work for 6 months in order to be eligible for group I or group II membership in the New Hampshire retirement system.

The bill also adds a requirement that elected and appointed officials, and officers and employees of local retirement systems, be given notice of their option to join the New Hampshire retirement system.

HB 87-FN, relative to group II accidental disability allowances. Ought to Pass with Amendment.

This bill was requested by the New Hampshire Retirement System to comply with Federal Internal Revenue Service requirements. It is essential that the system maintain its tax qualified trust status. Change is that if a disabled member's service requirement benefit is greater than a duty connected disability benefit, then the greater allowance must be paid. Vote 15-0. Rep. Janet R. Pelley for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

I Disability Allowance. RSA 100-A:6, II(d) is repealed and reenacted to read as follows:

(d) Upon accidental disability retirement, the group II member shall receive an accidental disability retirement allowance equal to $\frac{2}{3}$ of his average final compensation at the time of his disability retirement. For any group II member who has more than $26\frac{2}{3}$ years of service, a supplemental disability retirement allowance shall be paid. Such supplement shall be equal to $2\frac{1}{2}$ percent of his average final compensation multiplied by the number of years of his creditable service in excess of $26\frac{2}{3}$ but not in excess of 40 years.

AMENDED ANALYSIS

This bill changes the accidental disability allowance payable to a group II member upon accidental disability retirement. The member receives an allowance equal to $\frac{2}{3}$ of his average final compensation at the time of his disability retirement.

The bill also provides a supplemental disability retirement allowance for group II members with more than $26\frac{2}{3}$ years of service.

HB 91-FN, relative to vocational training and technical education programs. (A) Ought to Pass with Amendment.

This bill, as amended, continues the non-lapsing account for the postsecondary system. It keeps the account in session law so that it can be reviewed again in two more years. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the New Hampshire technical institute and
vocational-technical colleges.

Amend the bill by replacing all after the enacting clause with the following:

I Nonlapsing Account. Notwithstanding any other provision of law to the contrary, revenue received in excess of the legislative estimates in the technical education and vocational training divisions of the New Hampshire technical institute and the vocational-technical colleges, as well as net unexpended general fund appropriation balances at the close of the fiscal year, shall be placed in a continuing nonlapsing account. Funds in this account may be used only with the prior approval of the fiscal committee and with the approval of the governor and council in order to establish or enhance, or both, program offerings that will meet the needs of both the student and business and industry with the greatest degree of effectiveness and responsiveness. In the event that the legislative revenue estimates are not met for fiscal year 1990 or 1991,

then effective July 1, 1990, or July 1, 1991, the commissioner, upon prior approval of the fiscal committee and the governor and council, shall notify the bureau of accounts as to which line item appropriations, in which functional units and the specific amounts to be reduced in order to compensate completely for the prior fiscal year's revenue deficit or utilize such funds as may be available in the continuing nonlapsing account to satisfy all or a portion of such deficit.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that any excess revenues to and net unexpended appropriation balances of the technical education and vocational training divisions of the New Hampshire technical institute and the vocational-technical colleges be placed in a continuing nonlapsing account. With prior approval, these funds may be used to establish or enhance certain program offerings.

The bill also authorizes, for the fiscal years 1990 or 1991, the commissioner of vocational-technical education to determine which line item appropriations are to be reduced accordingly in order to make up a deficit in the previous year's legislative revenue estimates. The commissioner is also authorized to use available funds from the continuing nonlapsing account to make up all or part of the deficit.

HB 94-FN, relative to pre-admission screening for nursing homes. Ought to Pass.

This bill will bring pre-admission screening for nursing home admissions into compliance with federal law and regulations. There is no appropriation in this bill; however, the Committee will include funds in HB 200 to ensure adequate staff in the Medicaid Office of the Division of Human Services to carry out the required screening process. Vote 14-0. Rep. Douglas E. Hall for Appropriations.

HB 95-FN, relative to eligibility criteria for AFDC recipients. (A) Re-refer to the Committee on Health, Human Services and Elderly Affairs.

This bill does not go into effect until October 1, 1990. The Committee would like to see enactment wait until next session so it could get firmer numbers on its fiscal impact. Vote 14-0. Rep. Elizabeth Hager for Appropriations.

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor. Ought to Pass with Amendment.

This bill increases the personal needs allowance for residents of nursing homes, residential care facilities and community residences. The amount of the increased monthly personal needs allowance is to be determined by the Director of the Division of Human Services in accordance with federal regulations. In no event will this amount be less than \$40 a month. Vote 14-0. Rep. Debora B. Pignatelli for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Personal Needs Allowance Increase; Amount Determined by Director of Human Services. Amend RSA 167:27-a to read as follows:

167:27-a Personal Needs Allowance of Residents of Nursing Homes. The director of the division of human services, department of health and human services, shall permit each medical assistance recipient approved for nursing home payments to retain from his monthly income [\$35] *a certain amount* a month for his personal needs. *Such amount shall be established by the director pursuant to RSA 541-A and in*

accordance with federal regulations, but in no event shall the amount be less than \$40. If the net monthly income of such a recipient is less than [\$35 a month,] *the amount established by the director*, the director shall provide sufficient old age assistance, aid to the permanently and totally disabled, or aid to the needy blind to allow the recipient an amount equal to [\$35 a month for] *the monthly amount established as allowance* his personal needs.

2 Personal Needs Allowance Increase; Amount Determined by Director of Human Services. Amend RSA 167:27-b to read as follows:

167:27-b Personal Needs Allowance of Residents in Residential Care Facilities and Community Residences. Recipients of assistance who are approved by the division of human services for residential care facility or community residence payments shall be allowed to retain from their income an amount not less than [\$35 per month] *the amount established by the director of the division of human services as provided in RSA 167:27-a as the monthly allowance* for their personal needs, in accordance with rules adopted by the director of human services pursuant to RSA 541-A. This amount shall not be used to reimburse facilities for the cost of care.

AMENDED ANALYSIS

This bill increases the personal needs allowance for residents of nursing homes and in residential care facilities and community residences and makes appropriations for that purpose for the fiscal years 1990 and 1991. The amount of the increased monthly personal needs allowance is to be determined by the director of the division of human services in accordance with federal regulations. In no event will this amount be less than \$40 a month.

The bill was requested by the division of human services, department of health and human services.

HB 127-FN, increasing fees for laboratory services. (A) Ought to Pass.

This bill increases the fee for complete analyses of community public water systems from \$100 to \$475. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

HB 129-FN, establishing fees for reviewing plans to dredge and creating new classified positions. Ought to Pass with Amendment.

This bill establishes fees for reviewing plans to dredge and fill. Also it authorizes four additional positions in the Division of Water Supply and Pollution Control. Fees would cover costs. Vote 18-0. Rep. Otto H. Oleson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing fees for reviewing plans to dredge and creating
new classified positions and making an
appropriation therefor.

Amend the bill by replacing section 3 with the following:

3 Appropriation; Department of Environmental Services. In addition to any other sums appropriated to the department of environmental services, division of water supply and pollution control, the following sums are hereby appropriated to class lines 10, 20, 60 and 70 for fiscal years 1990 and 1991 to fund the positions authorized in section 2 of this act.

	FY 1990	FY 1991
10 Personal Services - Permanent	\$104,857	\$109,717
20 Current Expenses	6,000	6,000
60 Benefits	24,118	26,333
70 In-State Travel	6,500	6,500
Total	\$141,475	\$148,550

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes fees for reviewing plans to dredge or perform certain other activities, which would be collected by the division of water supply and pollution control based on land areas disturbed by dredging, excavation, placing of fill, mining, transportation of forest products, or construction on land areas bordering state surface waters.

This bill authorizes 4 additional positions in the division of water supply and pollution control and makes an appropriation to fund such positions.

This bill was requested by the division of water supply and pollution control.

HB 136-FN-A, relative to education in unorganized places and making an appropriation therefor. Ought to Pass with Amendment.

This bill authorizes the Department of Education to expend the revenue received for students in unorganized places only for that purpose and removes the need to estimate the amount in the budget. The appropriation section of this bill has been deleted as the problem had been solved by a section note in the 88-89 budget. Vote 14-0. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to education in unorganized places.

Amend the bill by replacing all after section 1 with the following:

2 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill changes the budgetary process for paying tuition and transportation for students residing in unorganized places by authorizing a continuous appropriation to the department of education from the revenue fund available for expenditure by the department exclusively for the education of children from such unorganized places.

The bill was requested by the department of education.

HB 143-FN-A, making an appropriation to the division for children and youth services to fund certain positions. (A) Inexpedient to Legislate.

The Committee funded juvenile services officers positions within juvenile services: eight in HB 200 and eight in HB 777. The provision for extra staff was a priority of the Division for Children and Youth Services to assist in its goals to protect the public and rehabilitate children in need of services and delinquents. Vote 14-0. Rep. Patricia O. Sanderson for Appropriations.

HB 157-FN-A, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor. Ought to Pass with Amendment.

This bill is the result of a one year study of state-owned ski areas which establishes a director of ski operations and a marketing and ski service administrator to concentrate state efforts to maximize revenue in the highly competitive ski industry.

The Fiscal Note calls for state expenditures of \$109,781 in FY90 and \$99,531 in FY91. Vote 19-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect upon its passage.

HB 166-FN-A, authorizing a maintenance and construction crew for the department of fish and game and making an appropriation therefor. Ought to Pass with Amendment.

This bill authorizes the Fish and Game Department to reestablish a four-man maintenance and construction crew for maintenance and minor construction projects under the control of the Department, costing more than \$10,000, but less than \$150,000. Vote 19-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to capital projects for the department of fish and game
and authorizing a maintenance and construction crew
for the fish and game department and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Fish and Game Department. Amend RSA 228:4, I(c) to read as follows:

(c) Projects for the *department of fish and game and the* department of resources and economic development whose estimated cost is more than \$10,000 but not more than \$150,000. Such projects may be done on a force account basis or by contracts awarded through competitive bidding upon recommendation of the commissioner that such projects are in the best interest of the state, and with the prior approval of the legislative fiscal committee and with the approval of governor and council.

2 Authority to Establish Maintenance and Construction Crew. The executive director of the department of fish and game is authorized to establish a 4-person maintenance and construction crew for the department. This crew shall be responsible for maintaining and, where possible, for performing construction work as needed on projects and facilities under the control of the department of fish and game. The crew shall be attached to the department's engineering division.

3 Appropriation.

I. The sum of \$344,676 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1991, for the purposes of section 2 of this act and shall be expended in the following manner:

	FY 1990	FY 1991
010 Personal services	90,395	90,395
020 Current expenses	25,000	25,000

	FY 1990	FY 1991
030 Equipment	64,400	0
060 Benefits	20,791	21,695
070 In-state travel	3,500	3,500
Total	204,086	140,590

II. These appropriations shall be charges against the fish and game fund.

4 Positions Authorized. The executive director of the department of fish and game is authorized to establish the following classified positions which shall comprise the maintenance and construction crew established by section 2 of this act: one construction superintendant, labor grade 18; one carpenter II, labor grade 12; one maintenance mechanic II, labor grade 11; and one building service worker III, labor grade 7.

5 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill exempts state capital budget projects for the fish and game department whose estimated cost is more than \$10,000 but not more than \$150,000 from the competitive bidding process which awards contracts to the lowest responsible bidder. The bill authorizes such fish and game projects to be done on a force account basis or by contracts awarded through competitive bidding upon recommendation of the commissioner of transportation that such projects are in the best interest of the state, and with the prior approval of the legislative fiscal committee and the approval of governor and council.

The bill also authorizes the executive director of the department of fish and game to establish a 4-person maintenance and construction crew to maintain fish and game facilities throughout the state and, where possible, to perform construction work on such projects.

An appropriation is made to fund the maintenance and ground crew positions for the biennium to be a charge against the fish and game fund.

HB 173-FN-A, relative to the dedication of the Hampton State Beach lifeguard facility. (A) Ought to Pass with Amendment.

This bill appropriates \$35,000 to refurbish the Hampton Beach lifeguard facility for dedication to David S. Thomas, a lifeguard who was killed by lightning on July 17, 1988, while on duty. Vote 20-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the dedication of the Hampton State Beach lifeguard facility and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Intent. The general court recognizes the appropriateness of dedicating the lifeguard facility at Hampton State Beach to Hampton Beach lifeguard, David S. Thomas, who was struck and killed by lightning while on duty on July 17, 1988. Therefore, the general court authorizes the commissioner of the department of resources and economic development to install an appropriate commemorative plaque in memory of David S. Thomas at such lifeguard facility.

2 Renovation and Dedication of the Lifeguard Facility at Hampton Beach State Park. The department of resources and economic development shall renovate and

equip the lifeguard facility at Hampton Beach state park and dedicate such facility to the memory of David S. Thomas. The renovations and equipment shall include, but not be limited to, an improved, air-conditioned, and well equipped first-aid room, a modernized control room including a radio desk/panel, an observation station, binoculars, telescope, public address system, and upgraded lifeguard locker rooms. The department shall ensure that an appropriate memorial plaque is installed at the new facility in memory of David S. Thomas.

3 Appropriation. The sum of \$35,000 is hereby appropriated to the department of resources and economic development for the biennium ending June 30, 1991, for the purposes of this act. This appropriation shall be nonlapsing and shall be in addition to any other sums appropriated to the department. Notwithstanding any other provision of law to the contrary, this appropriation shall be a charge against the parking meter account established for the Hampton Beach facilities pursuant to RSA 216:3.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill appropriates funds from the parking meter fund established for the Hampton Beach facilities to install an appropriate commemorative plaque and make renovations and install certain equipment in memory of David S. Thomas at the lifeguard facility at Hampton Beach.

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III. (A) Ought to Pass.

This bill appropriates \$277,000 to the Joint Committee on Legislative Facilities for improvement in fire protection for the state house. Vote 19-0. Rep. Merle W. Schotanus for Appropriations.

HB 215-FN-A, relative to fish and game search and rescue. Ought to Pass with Amendment.

This bill appropriates \$200,000 to support Fish and Game Department search and rescue efforts, which were heretofore funded almost totally from the Fish and Game fund. Vote 20-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$200,000 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1991, for search and rescue efforts to be conducted by the department. This appropriation shall be a charge against the general fund and shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 226-A, relative to state-issued bonds for college tuition. (A) Ought to Pass.

This bill takes the first step in establishing a college savings bond program to help New Hampshire families pay for postsecondary education. The bill authorizes the selling by the state of general obligation bonds at a price reduced from the face value of the bonds. These zero coupon bonds would pay interest only at maturity.

The bill also establishes an advisory committee which shall develop an implementation plan by August 1, 1990 which shall provide for the initial issuance and sale of the bonds.

This legislation was patterned after similar legislation in Michigan and Illinois. That legislation has proved to be extremely successful. Vote 14-0. Rep. Debora B. Pignatelli for Appropriations.

HB 240-FN-A, establishing a shooting range study committee. (A) Ought to Pass with Amendment.

This bill establishes a study committee to locate a feasible site for a state shooting range and study ancillary concerns. Vote 15-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend section 2 of the bill by replacing it with the following:

2 Shooting Range Study Committee Established. The commissioner of the department of resources and economic development, in cooperation with the fish and game commission, the executive director of the department of fish and game, the New Hampshire state police, the New Hampshire Chiefs of Police Association, the New Hampshire national guard, and the New Hampshire Rifle and Pistol Association, shall participate in a study committee to establish a state shooting range facility. The departments, agencies, and associations named in this section shall provide a representative from each, who shall be authorized to act on behalf of that body, in fulfilling the requirements of this act. The committee shall also include 2 members of the house of representatives, one member from the fish and game committee and one member from the appropriations committee, to be appointed by the speaker of the house. Legislative members of the committee, when engaged in business of the committee, shall receive legislative mileage. This committee shall determine the following:

I. The need for a state shooting range facility and who would benefit from construction of such a facility.

II. The requirements of each potential participating user.

III. The location and size of the shooting range, which may be located on existing state or federally-owned, county or private land. In determining the best location for the facility, the committee shall consider availability and convenience to potential users, safety, environmental concerns such as compatibility with surrounding land use, and the possibility of future expansion.

IV. The committee shall also seek the advice of the state council on resources and economic development in determining the site location.

V. Liability issues shall be addressed and reported on by the committee.

VI. The first member of the house of representatives to be named to the committee shall call the first meeting no later than 60 days from the effective date of this act. The committee shall choose a chairman from among its members at its first meeting.

VII. The committee shall report its finding and recommendations to the speaker of the house of representatives, president of the senate, and the governor and council on or before December 1, 1989.

HB 271-FN, relative to fish and game license fees. Ought to Pass.

The bill establishes license fees to keep the Fish and Game Fund solvent. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

HB 279-FN-A, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor. (A) Ought to Pass.

This is enabling legislation to allow for future possible purchase of the Ralph Brown property on the coast. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

HB 334-FN-A, relative to the adult program special needs allowance and making an appropriation therefor. Inexpedient to Legislate.

No policy is set in this bill so it is not needed. If funds are available and needed, they can be handled in the budget. Funds requested were \$163,530. Vote 15-0. Rep. Elizabeth Hager for Appropriations.

HB 354-FN-A, making an appropriation to fund improvements in Cardigan State Park. Ought to Pass.

This bill appropriates \$20,000 to replace Civilian Conservation Corps era facilities at Cardigan State Park. Vote 21-0. Rep. Merle W. Schotanus for Appropriations.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor. (A) Ought to Pass.

This bill requires individuals who practice respiratory care to be licensed by the Board of Medicine. All expenses incurred will be covered by fees. Vote 15-0. Rep. Ellen-Ann Robinson for Appropriations.

HB 376-FN, licensing physician assistants. Ought to Pass.

The bill requires physician assistants practicing in New Hampshire to be licensed by the Board of Registration in Medicine. The Committee has determined that there will be sufficient revenues to cover all costs in administering the Board. Vote 15-0. Rep. Jeffrey C. Miller for Appropriations.

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators. Ought to Pass.

The bill changes the Nursing Home Administrator Laws to provide for payment of board members, rulemaking authority for the Board, and a bachelor's degree as a minimum qualification for a nursing home administrator. The Committee felt that there will be sufficient revenues to cover all costs of administering the bill. Vote 15-0. Rep. Jeffrey C. Miller for Appropriations.

HB 404-FN-A, making an appropriation to fund additional positions within the office of child support enforcement. Inexpedient to Legislate.

The Committee feels that these additional positions are very important and have placed them in HB 200. Therefore, this bill is not needed. Vote 15-0. Rep. Elizabeth Hager for Appropriations.

HB 423-FN-A, relative to closure of landfills and making an appropriation therefor. Inexpedient to Legislate.

This bill was withdrawn by the sponsor as it is now considered unnecessary by the Committee on Environment and Agriculture. Vote 15-0. Rep. Merle W. Schotanus for Appropriations.

HB 521-FN, regarding a state loan for the Monroe sewage treatment facility. (A) Ought to Pass with Amendment.

This bill allows Monroe to borrow \$1,200,000 instead of \$1,000,000. The amendment corrects the figures to show 80% town share. Vote 14-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Loan Amount Increased. Amend the introductory paragraph of 1988, III:1, I to read as follows:

I. The state treasurer is authorized to and shall make loans not to exceed [\$4,400,000] **\$4,560,000** to the towns of Exeter and Monroe. Said loans shall be made for the purpose of providing loans of 80 percent of the proposed cost of [secondary] sewage treatment facilities for Exeter with a total project cost not to exceed \$4,500,000, and for Monroe, with a total project cost not to exceed [\$1,000,000] **\$1,200,000**. Allowable project costs shall be limited to those items included in the definition of "construction" under RSA 149-B:1. Said loans are to be made to provide for payments upon completion and final acceptance of said projects by the department of environmental services, but said loans may be made based on an agreed upon payment schedule established in the construction contracts and subsequent to certification by the department of environmental services with the prior approval of the governor and council. Loans may be for terms of not more than 20 years and shall bear interest payable annually on the outstanding principal balance as of January 1 of each year as follows:

HB 556, relative to the rulemaking authority and powers and duties of the board of governors and the administrative board of the department of postsecondary vocational-technical education. Ought to Pass with Amendment.

This is a list of RSA changes for the postsecondary system; changes that have formerly been in the budget or in other session laws or are needed for rules changes. There is no appropriation. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the board of governors, and administrative board,
and the commissioner of the department of postsecondary
vocational-technical education.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4, 5, 6 and 7 to read as 5, 6, 7, and 8, respectively:

4 New Section; Disposition of Moneys; Placement and Disbursement of Funds. Amend RSA 188-F by inserting after section 14-a the following new section:

188-F:14-b Duties of Commissioner; Disbursements; Transfers. Notwithstanding any other provision of law to the contrary, the commissioner of postsecondary vocational-technical education is hereby authorized to perform the following activities relative to the vocational-technical colleges and technical institute:

I. Receive for disbursement, with the prior approval of the fiscal committee and the governor and council, any actual excess over the estimate of income received from students enrolled in the vocational training division which shall be used only for the administration and operation of the programs offered by that division.

II. Receive for disbursement, with the prior approval of the fiscal committee and the governor and council, any actual excess over the estimate of income received from students enrolled in the technical-education division which shall be used only for the administration and operation of the programs offered by that division.

III. Receive for disbursement any federal financial or other aid made available by the federal government as authorized by RSA 188-F:20.

IV. With prior approval of the fiscal committee, to lease land and sell sand, gravel, excess cordwood, timber, loam and other materials from campus property and to use the income received from such activities to maintain, repair and improve buildings, grounds and recreational facilities for students. Such revenue shall not lapse and shall not be transferred to any other state fund.

V. Accept and expend any recovery made of the matching share of the work-study program in order to earn any additional federal funds.

VI. With prior approval of the board of governors and the fiscal committee, transfer or eliminate instructional programs as student, business, and geographic area needs change, as well as transfer such associated personnel, equipment, and instructional program appropriations between and among the several functional units within the department in order to enable the department to respond rapidly to changing needs for technical education and training.

VII. Upon approval of the board of governors as provided by RSA 188-F:14, transfer funds between and among line items within the department which have the same funding source or funding mix. By October 1 and quarterly thereafter, the department shall submit a report to the fiscal committee detailing all transfers made under this paragraph during the prior quarter and the reasons for them.

VIII. Upon approval of the governor and council, enter into contracts with private collection agencies on a percentage of collection fee basis, for the collection of defaulted student loans and other past due accounts from persons who were formerly enrolled as students in the New Hampshire vocational-technical colleges and technical institute and who are currently residing outside the state of New Hampshire.

AMENDED ANALYSIS

This bill transfers the rulemaking authority relative to the operation of the department of postsecondary vocational-technical education and its institutions from the board of governors to the administrative board of the department.

The bill deletes the requirements that deans be reviewed annually and the provision stating that deans serve at the pleasure of the board of governors.

The bill also codifies certain laws, with minor changes, relative to the financial administration of vocational training and technical education programs by the department of postsecondary vocational-technical education. These provisions were originally enacted as temporary measures for the current biennium only.

Under this bill the board of governors will no longer establish tuition rates by rule. The administration of loan fund revolving accounts and bookstore operation is transferred from the board of governors to the administrative board.

HB 579-FN, permitting certain policemen and firemen to join the New Hampshire retirement system. (A) Ought to Pass.

This bill was used to clean up obsolete laws. It transfers active members from old predecessor retirement system to present retirement system. This includes nine people, 3 firemen, 1 policeman, 3 state employees and 2 teachers, unless they disagree to transfer by a date certain. Vote 16-0. Rep. Janet R. Pelley for Appropriations.

HB 581-FN-A, relative to the residential specialist program and making an appropriation therefor. (A) Inexpedient to Legislate.

The residential specialist program provides important training for staff of state institutions and community residential programs. Funds to continue the programs offered by the vocational technical colleges in Berlin and Manchester will be included in HB

200. Expansion of the program cannot be undertaken at this time. Vote 15-0. Rep. Douglas E. Hall for Appropriations.

HB 595-FN, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system. (A) Ought to Pass.

The intent of this bill is recruitment of teachers. A factor in recruiting from outside New Hampshire is a teacher's ability to "roll over" contributions accumulated in other states as creditable service in the New Hampshire Retirement System, as long as their system is equal or better than our retirement system. Vote 16-0. Rep. Janet R. Pelley for Appropriations.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members. (A) Ought to Pass with Amendment.

This bill defines use of the special account and repeals sections of the law no longer necessary. It also grants a 15% allowance for the very small remaining group of teachers who retired before 1957. The amendment tightens the definition for the special account. Vote 18-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Method of Financing; State Annuity Accumulation Fund. Amend RSA 100-A:16, II(h) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earnings of the special account assets, plus all of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees. The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits [for retired members of the retirement system] *as follows: first, to provide supplemental allowances pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional benefits for active members of the retirement system.*

HB 622-FN, relative to vested deferred retirement benefits for group I members. (A) Ought to Pass.

Under present law a person with 10 years vested service can leave the system for vested deferred retirement, or if past age 50 can ask for reduced early service retirement allowance. This bill allows you to combine the two, required by Federal Internal Revenue Service Code in order for the New Hampshire Retirement System to keep its Tax Qualified Trust Status. Vote 18-0. Rep. Janet R. Pelley for Appropriations.

HB 654-FN, authorizing certain organizations to participate in the New Hampshire retirement system. (A) Ought to Pass with Amendment.

The amendment is the bill. It establishes a committee to study participation in the New Hampshire Retirement System by non-governmental organizations. The study committee to consist of Executive Departments and Administration Committee and Appropriations Committee members. Vote 18-0. Rep. Janet R. Pelley for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

creating a committee to study what organizations may participate
in the New Hampshire retirement system.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study participation by nongovernmental organizations in the New Hampshire retirement system. The committee shall study what nongovernmental organizations may participate in the retirement system; what membership requirements the organizations must meet for their officers, members, and employees; what reports such organizations shall make to the retirement system board of trustees; and any other requirements which must be met to authorize participation.

2 Membership. The committee shall consist of the following members appointed by the speaker of the house of representatives:

I. Three members of the executive departments and administration committee.

II. Two members of the appropriations committee.

3 Appointments and Meetings. The appointments of the members in section 2 of this act shall be made within 60 days of the effective date of this act. The committee shall elect a chairman from among its members. The committee shall meet at such times as the chairman shall designate. Three members shall constitute a quorum, and decisions shall be reached by a simple majority of the members present and voting.

4 Report. The committee shall submit a report of its findings, together with recommendations for any proposed legislation for the 1990 legislative session, to the governor, the speaker of the house of representatives, and to the senate president no later than December 1, 1989.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study what nongovernmental organizations may participate in the New Hampshire retirement system, and under what circumstances.

The committee must submit its findings, together with any proposed legislation, no later than December 1, 1989.

SB 48-FN, authorizing the sale of a certain parcel of state land to a water district. Ought to Pass.

The Committee recommends passage of SB 48 with the understanding that the land involved is needed by the Swains Lake Village Water District for the new treatment plant. Vote 15-0. Rep. Glenn W. Stewart for Environment and Agriculture.

SB 6, extending the statute of limitations for certain fish and game offenses. Ought to Pass.

The Committee feels that this legislation is long overdue and will greatly enhance the Fish and Game Department in its ability to deal with the issue of illegal commercialization of our wildlife resources, which is becoming a problem of serious consequence. Vote 17-0. Rep. Charles H. Felch, Sr. for Fish and Game.

SB 107, relative to the right to know law. Ought to Pass with Amendment.

This bill clarifies the Right-to-Know Law to specifically include the Governor and Council. Present law covers the "Governor's Council" while SB 107 adds "and the

Governor with the Governor's Council." The amendment deletes a change in the language of the preamble to the Right-to-Know Law which the Committee agrees would have only stated differently what is already stated. Vote 16-0. Rep. Vincent J. Palumbo for Legislative Administration.

Amendment

Amend the bill by deleting section 1 and renumbering sections 2 and 3 to read as 1, 2, respectively.

AMENDED ANALYSIS

This bill adds the transaction of any business by the governor with the governor's council to the definition of public proceedings in the right to know law.

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses. Ought to Pass with Amendment.

This is both a "clarification and housekeeping bill," and received unanimous support at the public hearing. There are approximately 30 sections of statutes, relative to hunting, OHRV, motor vehicles, boating offenses and breath analyzer machines which are amended as to terminology, the change being "alcohol concentration" in lieu of "blood alcohol content." Alcohol concentration is defined as the grams of alcohol in 100 milliliters of blood or a 57 ML of urine or per 210 liters of breath. This change brings the New Hampshire statutes into conformity with the National Uniform Vehicle Code and has been concurred in by the New Hampshire Department of the Attorney General, the Department of Safety and the Division of Public Health Services. Vote 10-0. Rep. Richard A. Ballou for Public Protection and Veterans Affairs.

Amendment

Amend RSA 214:20, II as inserted by section 3 of the bill by replacing it with the following:

II. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence of [the amount of alcohol in] the defendant's [blood at the time alleged] *alcohol concentration, as defined in RSA 259:3-a*, as shown by a chemical analysis of his breath, urine, or [other bodily substance] *blood*. Evidence that there was, at the time alleged, *an alcohol concentration of 0.05* [percent,] or less[, by weight of alcohol in his blood] is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that [there was] *the defendant had*, at the time alleged, *an alcohol concentration of* from 0.05 [percent] to 0.10 [percent by weight of alcohol in his blood] is relevant evidence but it is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, *an alcohol concentration of 0.10* [percent,] or more [by weight of alcohol in his blood,] is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.

Amend the bill by replacing section 4 with the following:

4 Alcohol Concentration; OHRV Operation. Amend RSA 215-A:11, IV to read as follows:

IV. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 215-A:11-a, III of the amount of [alcohol or] drugs in the defendant's blood *or the defendant's alcohol concentration as defined in RSA 259:3-a* at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or [other bodily substance] *blood*.

Amend the bill by replacing section 6 with the following:

6 Evidence; Alcohol Concentration. Amend RSA 215-A:11-c to read as follows:

215-A:11-c Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 215-A relative to the operation of off highway recreational vehicles by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of the [amount of alcohol in the] defendant's [blood] *alcohol concentration* at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or [other bodily substance] *blood*. Evidence that there was, at the time alleged, [10/100 percent] *an alcohol concentration of 0.10* or more [by weight of alcohol in the defendant's blood,] is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that there was, at the time alleged, *an alcohol concentration of* more than [5/100 percent] *0.05* and less than [10/100 percent by weight of alcohol in his blood] *0.10* is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that [there was] *the defendant had*, at the time alleged, [5/100 percent or less by weight of alcohol in his blood] *an alcohol concentration of 0.05 or less* is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

Amend the bill by replacing section 9 with the following:

9 Record of Alcohol Concentration. Amend RSA 215-A:11-h, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 215-A:11 shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any [blood alcohol] test *for alcohol concentration* administered to him, requiring the attendance of the person who [took the sample for said test or of the person who] conducted [said] *the* test[, or both]. Failure to file notice shall be deemed a waiver to require [their] *his* attendance at the trial. The official report of the test issued pursuant to RSA 215-A:11-a, III shall be deemed conclusive evidence of the conduct and result of said test.

Amend the bill by replacing section 24 with the following:

24 Evidence; Alcohol Concentration. Amend RSA 270:51 to read as follows:

270:51 Evidence. Upon complaint, information, indictment or trial of any person charged with a violation of the provisions of RSA 631:5 relative to the operation of boats by a person under the influence of intoxicating liquor or a controlled drug, the court may admit evidence of [the amount of alcohol in] the defendant's [blood] *alcohol concentration* at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine, or [other bodily substance] *blood*. Evidence that there was, at the time alleged, [10/100 percent] *an*

alcohol concentration of 0.10 or more [by weight of alcohol in the defendant's blood], is prima facie evidence that the defendant was under the influence of intoxicating liquor. Evidence that [there was] *the defendant had*, at the time alleged, *an alcohol concentration of* more than [5/100 percent] *0.05* and less than [10/100 percent by weight of alcohol in his blood] *0.10* is relevant evidence and may be considered with other competent evidence in determining whether or not the defendant was under the influence of intoxicating liquor. Evidence that [there was] *the defendant had*, at the time alleged, [5/100 percent,] *an alcohol concentration of 0.05* or less [,by weight of alcohol in his blood] is prima facie evidence that the defendant was not under the influence of intoxicating liquor.

Amend the bill by replacing sections 27 and 28 with the following:

27 Official Record; Alcohol Concentration. Amend RSA 270:56, I to read as follows:

I. Any person who is arraigned on a charge arising under RSA 631:5 shall file notice in the court, within 10 days immediately following the receipt by said person of the results of any [blood] alcohol *concentration* test administered to him, requiring the attendance of the person who [took the sample for said test or of the person who] conducted [said] *the* test[, or both]. Failure to file notice shall be deemed a waiver to require [their] *his* attendance at the trial. The official report of the test issued pursuant to RSA 270:49 shall be deemed conclusive evidence of the conduct and result of said test.

28 Operating Boats; Alcohol Concentration. Amend RSA 631:5, IV to read as follows:

IV. Upon complaint, information, indictment or trial of any person charged with a violation of this section, the court may admit evidence obtained under RSA 270:49 of [the amount of alcohol or drugs in] the defendant's [blood] *alcohol concentration as defined in RSA 259:3-a* at the time alleged, as shown by a chemical, infrared molecular absorption or gas chromatograph test or tests of his breath, urine or [other bodily substance] *blood*.

Amend the bill by replacing section 30 with the following:

30 Breath Testing Instrument. Amend RSA 215-A:11-h, III to read as follows:

III. A copy of the external standard calibration [test] *check* form filled out by the person who performed the [last external standard calibration test] *check* on the breath testing [machine] *instrument* in question [prior to the time of the test at issue] shall be admissible evidence that the [machine] *instrument* was properly calibrated at the time of the test. The external calibration [test] *check* shall have been performed according to the schedule required in the rules adopted by the director of the division of public health services.

31 Breath Testing Instrument. Amend RSA 265:90, III to read as follows:

III. A copy of the external standard calibration [test] *check* form filled out by the person who performed the [last external standard calibration test] *check* on the breath testing [machine] *instrument* in question [prior to the time of the test at issue] shall be admissible evidence that the [machine] *instrument* was properly calibrated at the time of the test. The external calibration [test] *check* shall have been performed according to the schedule required in the rules adopted by the director of the division of public health services.

32 Breath Testing Instrument. Amend RSA 270:56, III to read as follows:

III. A copy of the external standard calibration [test] *check* form filled out by the person who performed the [last external standard calibration test] *check* on the breath testing [machine] *instrument* in question [prior to the time of the test at issue] shall be admissible evidence that the [machine] *instrument* was properly calibrated at the time of the test. The external calibration [test] *check* shall have been performed according to the schedule required in the rules adopted by the director of the division of public health services.

33 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds a definition of "alcohol concentration" to the motor vehicle laws for the purpose of determining whether a person is guilty of driving while intoxicated. "Alcohol concentration" replaces the terminology of "blood alcohol". Alcohol concentration is defined as either grams of alcohol per 100 milliliters of blood, grams of alcohol per 57 milliliters of urine, or grams of alcohol per 210 liters of breath.

The bill changes the terminology to be consistent in various sections relating to hunting, OHRV, motor vehicle, and boating offenses.

The bill also amends the law concerning the attendance at trial of person conducting alcohol concentration tests, and external calibration checks on breath testing instruments.

SB 197-FN, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety. Ought to Pass with Amendment.

Up to the present time, the safety aspects of all liquid propane pipelines within New Hampshire have been the responsibility of the Public Utilities Commission. It has been jointly determined by the Public Utilities Commission and the New Hampshire Department of Safety that it would be more efficient if the Bureau of Fire Safety (headed by the State Fire Marshal) in the Department of Safety, would assume the responsibility for the safety aspects of nonutility pipelines with small capacity holding tanks (those found in housing areas, shopping centers, etc.) and have the Public Utilities Commission continue to be responsible for the safety aspects of the large interstate pipelines. It is highly probable that the Bureau of Fire Safety would delegate responsibility to local fire departments for safety inspections of pipelines, as noted above, within their municipality. Vote 10-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Regulation of Liquid Propane Gas Pipeline Safety. Amend RSA 21-P:12, III, by inserting after subparagraph (c) the following new subparagraph:

(d) Regulation of liquid propane gas pipeline safety, except propane gas pipelines regulated by the public utilities commission pursuant to RSA 362.

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

AMENDED ANALYSIS

This bill establishes authority for regulating functions regarding liquid propane gas pipeline safety within the bureau of fire safety, department of safety. Propane gaslines regulated by the public utilities commission are excepted from regulation by the department of safety.

SB 1-FN-A, making an appropriation to the liquor commission for air conditioning. Inexpedient to Legislate.

The State Liquor Commission has in the past paid one-half of the costs of air conditioning in stores if the landlord will pay the other half. To pass this bill would have the state paying all of those costs and the State Liquor Commission does not want to change that policy. If the landlord at this store agreed to pay his half, the Liquor Commission feels it could find the funds for its half in its operating budget. Vote 16-0. Rep. Fredrik Peyron for Public Works.

SB 151-A, directing the commissioner of the department of transportation to complete New Hampshire Route 101. Ought to Pass.

This bill reaffirms that the Route 101 project is a first priority and instructs the Department of Transportation to insure that needed federal and state funds shall not lapse. Vote 15-0. Rep. Roland A. Frechette for Public Works.

SB 17, allowing the wetlands board authority to issue cessation orders pending a hearing. Ought to Pass.

This bill, as amended by the Senate, gives the Wetlands Board authority to issue emergency cease and desist orders when a wetlands is at immediate risk from illegal activity. It also gives the Wetlands Board authority to order remedial measures. Appeal to such orders is available in accord with RSA 677:2-14. This legislation will make it possible for the Wetlands Board to take prompt action and prevent further activity that may cause extensive and irreversible damage to wetlands. Vote 15-0. Rep. Elizabeth S. Bardsley for Resources, Recreation and Development.

SB 161, authorizing regional agreements for water resources management and protection plans. Ought to Pass.

This bill, as amended, encourages and authorizes agreements between municipalities for the development of regional water resources management and protection plans and ordinances when water protection needs extend beyond municipal boundaries. Such agreements shall be subject to RSA 53-A. It also insures consistency and coordination of planning efforts at all levels - local, regional and state. Vote 15-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

SB 181, making technical changes in certain laws relating to dams. Ought to Pass.

This bill refines the definition of a class "B" dam and clarifies the statutory authority for appeals from orders of the Division of Water Resources. It also repeals provisions relating to an advisory board for the Division of Water Resources which is now obsolete. The bill is the request of the Division of Water Resources. Vote 12-0. Rep. Janet M. Conroy for Resources, Recreation and Development.

SCR 3, establishing a national veterans' cemetery in New England. Ought to Pass.

Over the past several years, the efforts to obtain a state veterans' cemetery have run into difficulty. Working with Ken Tarr of the State Veterans' Home, the sponsor has developed this resolution. This resolution expresses the will of the General Court, to direct its Congressional Delegation to work with representatives from Maine and Vermont to pursue a Federal Veterans Cemetery in northern New England. The closest cemetery for New Hampshire veterans is in Bourne, Massachusetts. Vote 11-0. Rep. William R. Matson for State-Federal Relations.

(Deputy Speaker Burns in the Chair)**(Regular Calendar)**

HB 78-FN, requiring correctional line personnel to have major responsibility for security for group II retirement purposes. Ought to Pass with Amendment.

This bill defines correctional line personnel employed by the Department of Corrections or the counties to have major responsibility for security for Group II purposes. The amendment tightens up the definition to require 75% of duties be security, the 25% remaining could be used for other duties, as assigned. Vote 16-1. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Correctional Line Personnel; Department of Corrections. Amend RSA 100-A:1, VII(b)(1) to read as follows:

(1) Work within a correctional facility in close and immediate contact with prisoners on a daily basis and have *major* responsibility for security, *which shall comprise at least 75 percent of the total work assignments for the position*;

2 Correctional Line Personnel; Counties. Amend RSA 100-A:1, VII(c)(1) to read as follows:

(1) Work within a correctional facility in close and immediate contact with prisoners on a daily basis and have *major* responsibility for security, *which shall comprise at least 75 percent of the total work assignments for the position*;

Rep. Ward moved that the words, Re-refer to the Committee on Executive Departments and Administration, be substituted for the report of the Committee, Ought to Pass with Amendment.

Rep. Maurice MacDonald spoke in favor of the motion.

Question being adoption of the substitute motion, Re-refer to Committee.

Adopted.

HB 86-FN, relative to employer remittances to the New Hampshire retirement system. Ought to Pass with Amendment.

This bill was requested by the Retirement System and deals with timely remittance to the system. The amendment opens the window for anyone of the nine Legislative or Constitutional Officers who by present law may join our system and requires that they pay the five percent rate of actual salary. Vote 17-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to employer remittances to the New Hampshire retirement system and relative to retirement contributions by certain legislative and constitutional officers.

Amend the bill by replacing section 2 with the following:

2 Retirement Contributions by Legislative and Constitutional Officers. Amend RSA 14:27-c, II, III, IV and V to read as follows:

II. Such full-time sergeant at arms, clerk, assistant clerk, secretary of state, deputy secretary of state, or state treasurer shall be credited with a year of service credit for

each fiscal year during all or part of which the applicant served the state either full or part-time in one or more of the legislative offices listed above or in one or more of the constitutional offices listed above, provided such officer shall pay to the general fund an amount equal to 4.6 percent of the greater of the actual salary received during each such fiscal year or the lowest salary payable pursuant to RSA 99:1-a in that particular year *through June 30, 1989, and an amount equal to 5 percent of the greater of the actual salary received during each such fiscal year or the lowest salary payable pursuant to RSA 99:1-a in that particular year on or after July 1, 1989.*

III. Such full-time sergeant at arms, clerk, assistant clerk, secretary of state, deputy secretary of state, or state treasurer shall be credited with one month of service credit for each month the applicant served the state either full or part-time as an employee of the New Hampshire senate or the New Hampshire house, provided such officer shall pay to the general fund an amount equal to 4.6 percent of the actual salary received during each such month *through June 30, 1989, and 5 percent of the actual salary received during each such month on or after July 1, 1989.*

IV. Eligible legislative and constitutional officers in service on [the effective date of this section] *May 6, 1986*, shall exercise their option to buy back service credit under this section at any time prior to but no later than January 1, [1987] *1990*.

V. Eligible legislative and constitutional officers who exercise their option under paragraph IV shall thereafter pay to the general fund an amount equal to 4.6 percent of their actual salary for each additional year of service *through June 30, 1989, and 5 percent of their actual salary for each additional year of service on or after July 1, 1989.*

3 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill provides that if an employer who participates in the New Hampshire retirement system becomes unable to remit contributions in a timely fashion as part of the financing for the system due to monetary, fiscal, or other difficulties, the employer must remit member contributions withheld from salaries, and certify to the retirement system board the employer's indebtedness for the employer contributions due but not remitted.

The bill also changes the date by which certain legislative and constitutional officers may buy service credit, and the amount such officers must contribute toward their retirement benefits, under RSA 14:27-c.

Rep. Hawkins spoke against the amendment.

Reps. Ward and Gross spoke in favor of the Committee amendment and yielded to questions.

A roll call was requested. Not sufficiently seconded.

A division was requested.

287 having voted in the affirmative and 35 in the negative, the amendment was adopted.

Ordered to third reading.

HB 295-FN-A, relative to an information booklet for caretakers of Alzheimer's disease victims and making an appropriation therefor. Inexpedient to Legislate.

This bill requests \$8,500 to print the booklet mentioned in the title. The Committee would like to see the book printed, but feels that the money could be obtained elsewhere (given our fiscal constraints). It suggested other sources to the sponsors. Vote 13-1. Rep. Elizabeth Hager for Appropriations.

Resolution adopted.

HB 397-FN, relative to composition of the dental board. Ought to Pass.

The Committee reviewed the fiscal impact of this bill. The fiscal note as calculated by the Dental Board is inaccurate. The cost for two additional members to the Board will average \$3,500 per year. Vote 12-3. Rep. Ellen-Ann Robinson for Appropriations.

Report adopted.

Ordered to third reading.

HB 405-FN-A, relative to the driver training fund. (A) Inexpedient to Legislate.

This bill proposed raising the state participation in driver training support from \$75 to \$180 with any funds remaining to be deposited in the highway fund. This Committee could find no funding source and recommends against passage. Vote 16-2. Rep. Ralph W. Pearson for Appropriations.

Rep. Gordon moved that HB 405-FN-A be made a Special Order for Thursday, April 13, and spoke to his motion.

Motion adopted.

HB 436-FN-A, relative to sewage treatment funds and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, increases the state's share of annual amortization and construction charges for any municipality which voluntarily undertakes a sewage disposal project without the benefit of a federal grant. As amended, the bill appropriates \$1,400,000 for this purpose. Vote 16-2. Rep. Merle W Schotanus for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Alternate State Contribution for Sewage Treatment Projects. Amend RSA 149-B: 1-b to read as follows:

149-B: 1-b Alternate State Contribution. Any [of the municipalities of Derry, Salem, Wolfeboro, Hampton, Sunapee, Rochester, Laconia or any other] municipality [in receipt of an order issued by the division of water supply and pollution control according to its priority criteria to undertake] *which undertakes* the construction of sewage disposal facilities in accordance with the provisions of RSA 148 or 149 without the benefit of a federal grant is entitled to an alternate state contribution. This alternate contribution shall consist of the payment of [20] **50** percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the division of water supply and pollution control or is an undertaking designed to control or reduce pollution in the ground or surface waters of the state, as defined in RSA 149:1, and provided that the plan for the facilities is approved in accordance with RSA 148:25. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

2 Appropriation. There is appropriated to the division of water supply and pollution control, department of environmental services, the sum of \$1,400,000 for the fiscal year ending June 30, 1991, for the purposes of making bond payments on new construction projects which receive no federal assistance, which are begun after the effective date of this act, and which qualify for an alternate state contribution under RSA 149-B:1-b. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

The bill increases the state contribution from 20 percent to 50 percent for annual amortization charges on construction grants and sewage disposal facilities for water pollution control. Any municipality which undertakes construction of such a facility without a federal grant is eligible.

The bill makes an appropriation for bond payments on such construction projects.

Amendment adopted.

Ordered to third reading.

HB 725-FN, relative to the highway fund. Inexpedient to Legislate.

The Committee felt it was inappropriate to divest the money from the general fund at this time. Vote 16-1. Rep. William R. Matson for Appropriations.

Rep. Marsh moved that the words, Re-refer to the Committee on Public Works, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. Schotanus spoke in favor of the motion.

Motion adopted.

Re-referred to the Committee on Public Works.

SB 199, relative to the revocation or suspension of fish and game licenses. Ought to Pass.

Senate Bill 199 adds a provision to New Hampshire Fish and Game statutes that says that if a nonresident hunter has lost his or her hunting license in any state or Canadian province for certain game violations, they would also lose their license in New Hampshire. Vote 15-3. Rep. David M. Scanlan for Fish and Game.

Ordered to third reading.

HB 412-FN-A, relative to deductions for owner-employees under business profits tax. Ought to Pass with Amendment.

The bill, as amended, would close a major loophole in the Business Profits Tax by limiting to \$100,000 the amount of deduction for compensation. Should the amendment be adopted by the House, the Committee will move to table the bill and have the House adopt a resolution asking for an opinion of the Supreme Court on the constitutionality of the amendment. Vote 15-0. Rep. Neal M. Kurk for Ways and Means.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a maximum deduction for compensation for business organizations under the business profits tax.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Addition to Gross Business Profits. Amend RSA 77-A:4 by inserting after paragraph XIII the following new paragraph:

XIV.(a) An addition to gross business profits of amounts of compensation paid by the business organization, or deducted as reasonable compensation under paragraph III by the business organization, which exceed \$100,000 for any individual employee, proprietor, partner, or trustee of the business organization.

(b) In determining the compensation paid or deducted in subparagraph (a) for instances where an employee, proprietor, partner, or trustee is employed by, or performs services for more than one business organization, compensation shall be the aggregate of all compensation received from such business organizations.

2 Effective Date. This act shall take effect July 1, 1989, and shall apply to returns and taxes due on account of taxable periods beginning after June 30, 1989.

AMENDED ANALYSIS

This bill provides that in making adjustments to gross business profits in order to determine taxable business profits, every business organization must add to gross business profits the amounts of compensation paid or deducted as reasonable compensation by the business organization which exceed \$100,000 for any individual employee, proprietor, partner, or trustee of the business organization.

Amendment adopted.

Rep. Sytek spoke to the Committee report and yielded to questions.

Rep. Sytek yielded to Rep. Kurk, who yielded to questions.

(Speaker in the Chair)

Rep. Blacketor moved that HB 412-FN-A be laid on the table.

Motion adopted.

HB 104-FN, relative to common and contract carriers. (A) Ought to Pass.

This bill clarifies existing law concerning issuance of permits and authority over contract carriers, and increases revenues by \$4,874 in FY90 and \$7,378 in FY91. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

Rep. Kidder yielded to questions.

Ordered to third reading.

HB 113-FN, to define certain police trainers as permanent policemen for retirement system purposes. (A) Ought to Pass with Amendment.

This bill allows Group II members with 10 years or more service to remain in that group upon employment by the Police Standards and Training Council. The amendment removes a grandfather clause that no longer applies. Vote 16-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

Rep. Ward moved that HB 113-A be made a Special Order for Thursday, April 13.

Motion adopted.

HB 305-FN-A, adding a Franklin-Laconia bypass study to the 10-year highway plan. (A) Ought to Pass with Amendment.

This bill authorizes a community-oriented regional study for improvements along United States Route 3 and New Hampshire Route 11 in the Laconia-Franklin area. It also establishes a review of the problem on Route 3 between Manchester and Concord. Vote 20-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

amending the 10-year highway plan.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subparagraphs; Addition to 10-Year Highway Plan. Amend 1986, 203:4-a, I as inserted by 1988, 247:1 by inserting after subparagraph (e) the following new subparagraphs:

(f) U.S. Route 3 and New Hampshire Route 11 study. Authorizing a community-oriented regional study for staged implementation based upon the RKG Associates study of April 1987 for improvements along U.S. Route 3 and New Hampshire Route 11 transportation corridor.

(g) U.S. Route 3 Corridor from Manchester to Concord Line. The department of transportation shall conduct a study and provide recommendations relative to a coordinated approach to the construction and reconstruction of the highways and bridges on the U.S. Route 3 corridor from the city of Manchester line to the city of Concord line, considering both through and local traffic.

2 Effective Date. This act shall take effect upon its passage.

Rep. Phelps requested that the question be divided.

The Chair ruled the amendment was divisible.

Rep. LaMott spoke in favor of dividing the question.

Question now being adoption of the amendment excepting section (g).

Amendment adopted.

Question now being adoption of section (g) of the amendment.

Section (g) of the amendment lost.

Ordered to third reading.

HB 442-FN-A, establishing a lakes management and protection program and making an appropriation therefor. (A) Re-refer to Committee on Resources, Recreation and Development.

This bill attempts to set up a lakes management program. It costs money which is not available at this time and it is hoped that Resources, Recreation and Development Committee can review its impact over the summer. Vote 18-0. Rep. Ralph W. Pearson for Appropriations.

Rep. Kidder yielded to questions.

Report adopted.

Re-Referred to the Committee on Resources, Recreation and Development.

SB 175-FN-A, making an appropriation to the arts development program. Ought to Pass with Amendment.

Due to an administrative error, the funding for this program was accidentally not included in the funding for the New Hampshire State Council on the Arts. The Arts

Development Program has an impressive record of success. For every dollar it donates to a local nonprofit cultural group in order to repair physical plant, it generates \$4 to \$5 in non-state monies. The amendment insures that unspent funds, at the end of the fiscal year, do not lapse into the general fund. The Fiscal Note calls for state expenditures of \$50,000 in FY90 and \$50,000 in FY91. Vote 12-2. Rep. Scott E. Green for State Institutions and Housing.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$50,000 is appropriated for the fiscal year ending June 30, 1990, and the sum of \$50,000 is appropriated for the fiscal year ending June 30, 1991, to the New Hampshire council on the arts for the purpose of funding the New Hampshire arts development program as established by RSA 19-A:13. Such sums shall be nonlapsing. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Rep. Riley spoke against the amendment and requested a roll call.

Rep. Scott Green spoke in favor of the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 274

NAYS 59

YEAS 274

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Ziegra, Alice S.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Powers, Gerard E., Jr.

Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Cole, Stacey W.
Foster, Katherine D.
LaMar, David M.
Miller, Jeffrey C.
Sawyer, Alfred P.

Blacketor, Paul G.
Crutchley, Donald O.
Gordon, Irvin H.
Matson, William R.
Pearson, Gertrude B.
Spear, Susan S.

Cole, Kenneth A.
Doucette, Richard F.
Hunt, John B.
Metzger, Katherine H.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald P.
Theriahult, Romeo J.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Hill, Richard L.

Bean, Pamela B.
Chambers, Mary P.
Eno, Larry E.
LaMott, Paul I.

Larson, Nils H., Jr.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Nordgren, Sharon L.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Biondi, Christine A.
Burkush, Peter A.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Frank, Nancy G.
Guilbert, Lionel
Healy, Daniel J.
Jasper, Shawn N.
Kelley, Robert N.
Kress, Gloria W.
Lown, Elizabeth D.
McNerney, Daniel P.
Morrissette, Roland A.
Packard, Bonnie B.
Provost, Gilles R.
Sallada, Roland A.
Soucy, Lillian E.
Turgeon, Roland M.
Wihby, Linda S.

Alukonis, David J.
Barry, Janet G.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jenkins, Mary
King, John A.
Kurk, Neal M.
McCann, Bonnie Lou
Messier, Irene M.
Murphy, Robert E.
Pappas, Toni
Record, Alice B.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Upton, Barbara A.

Amidon, Eleanor H.
Barry, Vivian
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dyer, Merton S.
Ford, Nancy M.
Green, Scott E.
Harlan, Susan N.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
McDowell, James E.
Moore, Elizabeth A.
Nardi, Theodora P.
Pignatelli, Debora B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Stio, Peter M.
Trombly, Rick A.

Apple, Lowell D.
Braiterman, Thea G.
Dunn, Miriam D.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Smith, Gerald R.
Teague, Bert
West, George M.

Bardsley, Elizabeth S.
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Provencal, Leo A.
Soldati, Jennifer
Tolpin, Richard W.
Whittemore, James A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Greene, Elizabeth A.

Bell, Juanita L.
Buco, Stephen W.
Caswell, Albert, Jr.
Cote, Patricia L.
Flanders, Harry E.
Gage, Beverly A.
Hoar, John, Jr.

Boucher, William P.
Campbell, Eunice M.
Conroy, Janet M.
Dube, LeRoy S.
Flanders, John W., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.

Hollingworth, Beverly A.
Katsakiores, George N.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
Micklon, Stephanie K.
Parr, Ednapearl F.
Remick, Barbara R.
Sanderson, Patricia O.
Sherburne, John L.
Sochalski, Matthew M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Appleby, James E.
Burton, Wayne M.
Foss, Patricia H.
Kinney, Paula J.
McCann, William H., Jr.
Parks, Joe B.
Sullivan, Henry P.
Vincent, Francis C.
Young, John B.

Behrens, Thomas A.
Domini, Irene C.
Krueger, Richard H.
Rodeschin, Beverly T.

Rosen, Ralph J.

Daly, Robert J., Jr.

Delano, Robert F.
Morse, JoAnn T.

Christy, C. Dana
Markley, J. Keith

Bicknell, Robert C.
Elliott, Larry G.
Hall, Betty B.
Johnson, Lionel W.
Lozeau, Donnalee M.
Ouellette, Robert O.
Reidy, Frank J.
Stiles, Walter A.
Wright, George W.

Hynes, Carolyn E.
Katsakiores, Phyllis M.
MacDonald, Maurice B.
McCain, William F.
Palumbo, Vincent J., Jr.
Popov, Elizabeth M.
Ritzo, Eugene
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Tufts, J. Arthur
Warburton, Calvin
Wright, David B.

STRAFFORD

Bernard, Mary E.
Flynn, Anita A.
Gilmore, Gary R.
Marston, Robert E.
Merrill, Amanda A.
Pelley, Janet R.
Swope, Warren L.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
Flint, Gordon B.
Lucier, Edward A., Jr.
Schotanus, Merle W.

NAYS 59

BELKNAP

White, James J.

CARROLL

Dickinson, Howard C., Jr.

CHESHIRE

Hill, Douglas E.
Young, David A.

GRAFTON

Dow, David O.
Shackett, Ralph E.

HILLSBOROUGH

Boucher, Lionel R.
Foote, Herbert N., Sr.
Hunter, Bruce F.
Lawrence, Norman B.
Mason, Howard F.
Pepino, Leo P.
Riley, Frances L.
Toomey, Daniel

Kane, Cecelia D.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Raynowska, Bernard J.
Rosencrantz, James R.
Seward, Russell G.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie
Weddle, Michael R.

Brown, Julie M.
Flynn, Edward J.
Keans, Sandra B.
Martling, W. Kent
O'Brien, John
Scharff, Thomas E.
Torr, Ann M.
Wheeler, Katherine Wells

Burling, Peter Hoe
Hinrichsen, Keith L.
Middleton, John A.
Stamatakis, Carol M.

Laurent, John J.

Driscoll, William J.

Donovan, Francis X.
Gagnon, Gabrielle V.
Jean, Romeo W.
Long, Linda D.
McRae, Karen
Perham, Lester R.
Rodgers, G. Philip
Wheeler, David K.

MERRIMACK

Barberia, Richard A.

Boucher, Laurent J.

Nichols, Avis B.

ROCKINGHAM

Brown, Jeffrey M.

Johnson, Robert A.

King, Roger C.

Klemm, Arthur P., Jr.

MacKinnon, Nancy W.

Mace, Ada L.

McKinney, Betsy

Palazzo, Frank J., Sr.

Welch, David A.

STRAFFORD

Bickford, Drucilla

Dionne, Albert J.

Frechette, Roland A.

Kincaid, William K.

Stewart, Glenn W.

Tsiros, William

SULLIVAN

MacAskill, Kenneth M.

Peyron, Fredrik

and the amendment was adopted.

Rep. Grodin abstained from voting under Rule 16.

Referred to Appropriations.

SENATE MESSAGE**REQUESTS CONCURRENCE WITH AMENDMENT**

HB 762-A, making supplemental appropriations for fiscal year 1989. (Amendment printed SJ 14, 4/11/89)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Rep. Hager yielded to questions.

Motion adopted.

The Speaker appointed Reps. Palumbo, Hager, Sytek and Densmore.

Regular Calendar (Cont.)

HB 574-FN, relative to licensure of mental health professionals. (A) Ought to Pass.

The Committee examined the fiscal impact of this bill and found it to be adequately funded at 125%. Vote 15-0. Rep. Joanne A. O'Rourke for Appropriations.

Ordered to third reading.

HB 439-FN-A, generating additional revenues for use in the prevention and treatment of alcohol and drug abuse. (A) Ought to Pass with Amendment.

The Appropriations Committee always has serious questions about designated funds. At this time our concern is even more pronounced because of the overall decline in sales of alcoholic beverages; therefore, the Committee has struck the portion of the bill relative to liquor sale increases. However, because of prior House support for alcohol and drug abuse treatment and prevention money, the Committee has used the bill to increase the community programs line in the OADAP budget. This will fulfill much of the original intent of the sponsors. Additional appropriation: \$446,464. Vote 18-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making an appropriation to the office of alcohol and drug abuse
prevention and establishing a committee to review the
expenditure of funds by such office.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established.

I. There is established a committee to study the expenditure of all funds by the office of alcohol and drug abuse prevention. The membership of the committee shall be as follows:

(a) Three members of the house of representatives, 2 of whom shall be members of the house appropriations committee, appointed by the speaker of the house.

(b) Three members of the senate, 2 of whom shall be members of the senate finance committee, appointed by the president of the senate.

II. The committee shall report its findings and recommendations to the speaker of the house and the president of the senate no later than December 1, 1989, together with any proposed legislation for the 1990 legislative session.

2 Appropriation; Office of Alcohol and Drug Abuse Prevention. The following sums are appropriated to PAU 05, 01, 01, 02, 02, class line 97, department of health and human services, office of alcohol and drug abuse prevention:

	Fiscal Year 1990	Fiscal Year 1991
97 Community programs	1,690,017	1,780,229

The governor is authorized to draw his warrant for \$1,690,017 for fiscal year 1990 and \$1,780,229 for fiscal year 1991 out of any money in the treasury not otherwise appropriated.

3 Appropriation in Lieu of Appropriation in Operating Budget. The appropriation made to the department of health and human services in section 2 of this act to PAU 05, 01, 01, 02, 02, class line 97, for community programs in the office of alcohol and drug abuse prevention shall be in lieu of any appropriation made to such department for such purposes in the operating budget for the biennium ending June 30, 1991. Any appropriation in the operating budget to the department of health and human services for PAU 05, 01, 01, 02, 02, class line 97, shall be null and void and of no effect.

4 Totals Adjusted. The legislative budget assistant is authorized to adjust total and sources of funding in the 1990-1991 operating budget as made necessary by the passage of this act.

5 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill makes an appropriation to the office of alcohol and drug abuse prevention, department of health and human services for community programs for the treatment and prevention of alcohol and drug abuse. Such appropriation is in lieu of the appropriation for community programs in the operating budget.

The bill also establishes a committee to study the expenditure of all funds by the office of alcohol and drug abuse prevention. The bill requires the committee to make a report of its findings and recommendations to the speaker of the house and president of the senate no later than December 1, 1989.

Reps. Bourque and Moore spoke against the amendment.

Reps. Ward and Robinson spoke in favor of the amendment.

Rep. Bourque requested that the Clerk read the amendment.

The Clerk read the amendment.

Rep. Hayes yielded to questions.

Rep. Hager spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 244**NAYS 90****YEAS 244
BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Rice, Thomas E. P., Jr.
Turner, Robert H.

Bolduc, Dennis R.
Hawkins, Robert S.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rosen, Ralph J.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth

Daly, Robert J., Jr.
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Powers, Gerard E., Jr.

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Cole, Stacey W.
Foster, Katherine D.
Hunt, John B.
Matson, William R.
Morse, JoAnn T.
Young, David A.

Crutchley, Donald O.
Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Pearson, Gertrude B.

Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Miller, Jeffrey C.
Sawyer, Alfred P.

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Brungot, Catherine V.
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Marsh, Beaton
Oleson, Otto H.

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Merrill, Gerald P.

Burns, Harold W.
Horton, Lynn C.
Nelson, Harold D.

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Larson, Nils H., Jr.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Markley, J. Keith
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Driscoll, William J.
LaMott, Paul I.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Janet G.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrosiers, William J.
Donovan, Francis X.
Dube, Ellen C.
Foote, Herbert N., Sr.
Guilbert, Lionel
Keefe, Edmund M.
Lachut, Ervin R.
Mason, Howard F.
McNerney, Daniel P.
Morrissette, Roland A.
Pappas, Toni
Provost, Gilles R.

Alukonis, David J.
Barry, Vivian
Boucher, Lionel R.
Cox, Gladys M.
Dodge, Emma M.
Drabinowicz, A. Theresa
Dyer, Merton S.
Gagnon, Gabrielle V.
Holden, Carol H.
Kelley, Robert N.
Lawrence, Norman B.
McCann, Bonnie Lou
McRae, Karen
Ouellette, Robert O.
Perham, Lester R.
Record, Alice B.

Amidon, Eleanor H.
Bicknell, Robert C.
Bowers, Dorothy C.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Fields, Dennis H.
Goulet, Maurice E.
Jasper, Shawn N.
Kurk, Neal M.
Lown, Elizabeth D.
McDowell, James E.
Messier, Irene M.
Packard, Bonnie B.
Pignatelli, Debora B.
Riley, Frances L.

Robinson, Ellen-Ann
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Upton, Barbara A.
Wihby, Linda S.

Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Vanderlosk, Stanley R.
Wright, George W.

Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Lewis, Mary Ann
Pantzer, Eugene E.
Provencal, Leo A.
Stio, Peter M.
West, George M.

Apple, Lowell D.
Carter, Susan D.
Fraser, Leo W., Jr.
Hager, Elizabeth
Holmes, Mary C.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

Barberia, Richard A.
Daneault, Gabriel
Gilbreth, Robert M.
Hall, Douglas E.
Kidder, William F.
Nichols, Avis B.
Phelps, James D.
Smith, Gerald R.
Tolpin, Richard W.

ROCKINGHAM

Anderson, Carl F., III
Boucher, William P.
Buco, Stephen W.
Conroy, Janet M.
Dube, LeRoy S.
Flanders, Harry E.
Greene, Elizabeth A.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Mace, Ada L.
McCain, William F.
Micklon, Stephanie K.
Parr, Ednapearl F.
Remick, Barbara R.
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Eunice M.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
McCarthy, John J., Jr.
Palazzo, Frank J., Sr.
Popov, Elizabeth M.
Ritzo, Eugene
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Drake, Herbert R.
Flanagan, Natalie S.
Gage, Beverly A.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Malcolm, Kenneth W.
McKinney, Betsy
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Senter, Marilyn P.
Simon, Peter M.
Stachowske, Vicki
Welch, David A.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Kincaid, William K.
Pelley, Janet R.
Swope, Warren L.
Vincent, Francis C.

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Kinney, Paula J.
Stewart, Glenn W.
Torr, Ann M.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Sullivan, Henry P.
Tsiros, William

SULLIVAN

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

**NAYS 90
BELKNAP**

Golden, Paul A.

Maviglio, Steven R.

CHESHIRE

Barber, Robert E., Jr.

Cole, Kenneth A.

Doucette, Richard F.

Hill, Douglas E.

Pratt, Irene A.

Spear, Susan S.

COOS

Kilbride, Dennis J.

Theriault, Romeo J.

Woodburn, Jeffrey R.

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Chambers, Mary P.

Copenhaver, Marion L.

Densmore, Edward D.

Dow, David O.

Guest, Robert H.

Nordgren, Sharon L.

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Baldizar, Barbara J.

Bourque, Ann J.

Burkush, Peter A.

Dwyer, Patricia R.

Elliott, Larry G.

Emerton, Lawrence A., Sr.

Ford, Nancy M.

Frank, Nancy G.

Green, Scott E.

Gureckis, Adam C., Sr.

Hall, Betty B.

Harlan, Susan N.

Hultgren, David D.

Hunter, Bruce F.

Jean, Romeo W.

Jenkins, Mary

Johnson, Lionel W.

King, John A.

Knight, Alice Tirrell

Kress, Gloria W.

Long, Linda D.

Lozeau, Donnalee M.

Moore, Elizabeth A.

Murphy, Robert E.

Nardi, Theodora P.

O'Rourke, JoAnne A.

Pepino, Leo P.

Reidy, Frank J.

Soucy, Lillian E.

Toomey, Daniel

Turgeon, Roland M.

MERRIMACK

Bardsley, Elizabeth S.

Beaton, Nancy C.

Braiterman, Thea G.

Dunn, Miriam D.

Fillion, Paul R.

Hayes, Robert C.

Jacobson, Alf E.

Johnson, C. William

Lockwood, Robert A.

Soldati, Jennifer

Trombly, Rick A.

ROCKINGHAM

Caswell, Albert, Jr.

Cooke, Annette M.

Ford, Bert H.

Gage, Thomas U.

Hollingworth, Beverly A.

Kane, Cecelia D.

MacKinnon, Nancy W.

Pantelakos, Laura C.

Rosencrantz, James R.

Sanderson, Patricia O.

Splaine, John E., Sr.

Sytek, Donna P.

Vaughn, Charles L.

Warburton, Calvin

Weddle, Michael R.

STRAFFORD

Burton, Wayne M.

Gilmore, Gary R.

Keans, Sandra B.

Marston, Robert E.

Merrill, Amanda A.

O'Brien, John

Parks, Joe B.

Scharff, Thomas E.

Wall, Janet G.

Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.

Brodeur, Robert J.

Burling, Peter Hoe

Flint, Gordon B.

Stamatakis, Carol M.

and the amendment was adopted.

Question now being adoption of the committee report, Ought to Pass with Amendment.

Report adopted.

Ordered to third reading.

SENATE MESSAGES**ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE**

HB 762-A, making supplemental appropriations for fiscal year 1989.

The President appointed Sens. Blaisdell, Hough, Dupont, Torr and Podles.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 38, increasing the legal length of lobster. (Amendment printed SJ 12, 3/30/89)
Rep. Perham moved that the House concur.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 13 at 10:00 a.m.

Adopted.

LATE SESSION**Third reading and final passage**

HB 385-FN-A, making appropriations for vacation travel promotion and increasing the rate of the tobacco tax.

HB 32-A, relative to the Hampton seawall and making an appropriation therefor.

HB 39, relative to the distribution of OHRV fees.

HB 82-FN, relative to the police standards and training council.

HB 84-FN, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system.

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system.

HB 87-FN, relative to group II accidental disability allowances.

HB 91-FN, relative to the New Hampshire technical institute and vocational technical colleges.

HB 94-FN, relative to pre-admission screening for nursing homes.

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor.

HB 127-FN, increasing fees for laboratory services.

HB 129-FN, establishing fees for reviewing plans to dredge and creating new classified positions and making an appropriation therefor.

HB 136-FN-A, relative to education in unorganized places.

HB 157-FN-A, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor.

HB 166-FN-A, relative to capital projects for the department of fish and game and authorizing a maintenance and construction crew for the fish and game department and making an appropriation therefor.

HB 173-FN-A, relative to the dedication of the Hampton State Beach lifeguard facility and making an appropriation therefor.

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III.

HB 215-FN-A, relative to fish and game search and rescue.

HB 226-A, relative to state-issued bonds for college tuition.

HB 240-FN-A, establishing a shooting range in the state and making an appropriation therefor.

HB 271-FN, relative to fish and game license fees.

HB 279-FN-A, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor.

HB 354-FN-A, making an appropriation to fund improvements in Cardigan State Park.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor.

HB 376-FN, licensing physician assistants.

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators.

HB 521-FN, regarding a state loan for the Monroe sewage treatment facility.

HB 556, relative to the board of governors, and administrative board, and the commissioner of the department of postsecondary vocational-technical education.

HB 579-FN, permitting certain policemen and firemen to join the New Hampshire retirement system.

HB 595-FN, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members.

HB 622-FN, relative to vested deferred retirement benefits for group I members.

HB 654-FN, creating a committee to study what organizations may participate in the New Hampshire retirement system.

SB 48-FN, authorizing the sale of a certain parcel of state land to a water district.

SB 6, extending the statute of limitations for certain fish and game offenses.

SB 107, relative to the right to know law.

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses.

SB 197-FN, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety.

SB 151-A, directing the commissioner of the department of transportation to complete New Hampshire Route 101.

SB 17, allowing the wetlands board authority to issue cessation orders pending a hearing.

SB 161, authorizing regional agreements for water resources management and protection plans.

SB 181, making technical changes in certain laws relating to dams.

SCR 3, establishing a national veterans' cemetery in New England.

HB 86-FN, relative to employer remittances to the New Hampshire retirement system and relative to contributions by certain legislative and constitutional officers.

HB 397-FN, relative to composition of the dental board.

HB 436-FN-A, relative to sewage treatment funds and making an appropriation therefor.

SB 199, relative to the revocation or suspension of fish and game licenses.

HB 104-FN, relative to common and contract carriers.

HB 305-FN-A, amending the 10-year highway plan.

HB 574-FN, relative to licensure of mental health professionals.

HB 439, making an appropriation to the office of alcohol and drug abuse prevention and establishing a committee to review the expenditure of funds by such office.

Rep. Palumbo moved that the House stand in recess.

The House recessed at 4:20 p.m.

RECESS

Rep. Phelps moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 19

Thursday, April 13, 1989

The House assembled at 10:15 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Rev. John B. McCall.

This is the day, O God: the day for which we have been planning and posturing and preparing. This is a day of hope and reality colliding, the day when what we want and what we need and what we can have will come together in some way or another.

This is the day when we must account for what we hold to be true. Our differing ideas of what is most important will be clear. Help us, Everpresent Spirit, to be bold in speaking our convictions. Keep us from hiding behind the excuses of what is most expedient or most popular, and grant us the confidence to say and to do what we believe to be right.

This is the day, O God. Let us remember, as well, that this day, like all days, is a day You have given us. Amen.

Rep. Hultgren led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Felch, Moore, Grip, Ann Derosier, Manus, Soldati, Pantelakos, Avery and Daniel Eaton, the day, illness.

Reps. Ritzo, Ouellette, Parr, Parsons, Callaghan, David Young, Prestipino, Lemire, Musler, Dykstra, Kelley and Meserve, the day, important business.

Rep. Morse, the day, death in the family.

Reps. Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Moultonborough Academy students, guests of Rep. Robert Foster; members of the Cheshire Vocational Center/Keene High School Student Chamber of Commerce, Peg Freeman, marketing education instructor at the Cheshire Vocational Center, Ruth Parent, coordinator of the school volunteer program at Cheshire Vocational Center, and James Huntley, co-op coordinator at the Cheshire Vocational Center, guests of Rep. Doucette; Wayne Harlan, husband of Rep. Susan Harlan, and Helen Negley, guest of Rep. Susan Harlan; fourth grade class of Thornton's Ferry School, guests of Merrimack Delegation; Jane Horne and Margaret Poulin, guests of Rep. Riley; Tara Bickford Bailey and her son Jeremy, daughter and grandson of Rep. Bickford; Stella Scamman, wife of the Speaker; Rep.-elect Jacqueline Flood of Merrimack.

Rep. Palumbo offered the following:

RESOLVED, that SCR 1, amending Joint Rule 4-A(b), shall be by this resolution read a first and second time, and referred to the Committee on Rules.

Adopted.

INTRODUCTION OF SENATE CONCURRENT RESOLUTION**First, second reading and referral**

SCR I, amending Joint Rule 4-A(b). (Rules)

SENATE MESSAGES
REFERRED FOR INTERIM STUDY

HB 632, relative to the confidentiality of quality assurance records of community mental health centers.

CONCURRENCE

HB 46, relative to applications for approval of plans for a waste disposal system which contain encroachment waiver requests.

HB 130-FN, requiring certification of operators of pollution control facilities and relative to renewals of water works operator certificates.

HB 132-FN, relative to the division of water supply and pollution control enforcement orders.

HB 151-FN-A, continually appropriating revenue from certain OHRV fines.

HB 154, limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham.

HB 189-FN, increasing the minimum wage law.

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the Town of Danbury.

HB 241-FN, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics.

HB 244-FN, allowing museums to obtain title to property loaned for an indefinite time.

HB 254-FN, establishing a study committee to examine issues relative to the great ponds in the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.

HB 292, extending the study and evaluation of state Route 101A corridor in the Nashua region.

HB 302-FN, relative to the setting of the deer season.

HB 489, relative to utility easements.

HB 497, relative to financial responsibility for hazardous waste accidents.

HB 537-FN, authorizing the town of North Hampton to collect taxes for one 18-month accounting period.

HB 565, relative to the state board of education.

HCR 2, declaring a New Hampshire Scottish Heritage Week.

HCR 5, encouraging businesses and industries in New Hampshire to offer "good student" discounts.

NONCONCURRENCE

HB 64-FN, relative to immunizing cats against rabies and licensing cats.

HB 367, relative to damages for wrongful death.

SPECIAL ORDERS

HB 113-A, to define certain police trainers as permanent policemen for retirement system purposes. (A) Ought to Pass with Amendment.

This bill allows Group II members with 10 years or more of service to remain in that group upon employment by the Police Standards and Training Council. The amendment removes a grandfather clause that no longer applies. Vote 16-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by deleting section 2 and renumbering section 3 to read as section 2.

Committee amendment adopted.

Rep. Ward offered an amendment and yielded to questions.

Amendment

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Existing Employees. Any permanent police officer certified under RSA 188-F:22-30 as a full-time police officer with prior group II service who as a job requirement has satisfied minimum standards as determined by the police standards and training council for physical condition, education and training and is employed in group I as a law enforcement training specialist with the police standards and training council on April 12, 1989, shall be transferred on the effective date of this act to group II, and his benefits upon retirement shall be determined as the sum of the retirement allowances with respect to the period of creditable service in each such classification, as provided in RSA 100-A:19-a through 19-h.

Amendment adopted.

Ordered to third reading.

HB 405-FN-A, relative to the driver training fund. (A) Inexpedient to Legislate.

This bill proposed raising the state participation in driver training support from \$75 to \$180 with any funds remaining to be deposited in the highway fund. This Committee could find no funding source and recommends against passage. Vote 16-2. Rep. Ralph W. Pearson for Appropriations.

Rep. Roger Stewart moved that the words, Re-refer to the Committee on Transportation, be substituted for the report of the Committee, Inexpedient to Legislate, and spoke to his motion.

Rep. LaMott spoke in favor of the motion.

Motion adopted.

Re-referred to Transportation.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 103, relative to motor vehicle laws, was removed at the request of Rep. Betty Hall.

HB 350, relative to the unclassified personnel system, was removed at the request of Rep. Gross.

HB 578, relative to victims' assistance and compensation, was removed at the request of Rep. Betty Hall.

Adopted.

HB 56-FN-A, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill appropriates \$100,000 to conduct a collection program for unwanted pesticides possessed by farmers. They have a partial exemption from the Hazardous Waste

Rules that allow them to dispose of pesticides legally on their own property. However, because of environmental problems they do not want to do this. In consultation with the policy committee, the \$100,000, one time use, will come out of the Hazardous Waste Fund and not the general fund. Vote 19-0. Rep. Janet R. Pelley for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 1990, is hereby appropriated to the department of agriculture, division of pesticide control, to conduct a collection program for unwanted pesticides pursuant to section 1 of this act. This appropriation shall be in addition to any other funds appropriated to the department of agriculture, shall not lapse during the biennium ending June 30, 1991, and shall be drawn from the New Hampshire hazardous waste cleanup fund established by RSA 147-B:3, notwithstanding the provisions of RSA 147-B:3 regarding the uses of such fund.

HB 58-FN-A, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. (A) Ought to Pass.

This bill appropriates funds to enable the Department of Agriculture to prevent the spread of disease in bee colonies which agriculture depends upon to supply the food needs of the people. The Fiscal Note calls for state expenditures of \$29,400. Vote 17-0. Rep. Howard C. Townsend for Appropriations.

HB 88-FN, relative to weights and measures. (A) Ought to Pass.

This bill will enable the Commissioner of Agriculture to reorganize the Weights and Measures Division. The reorganization will enable the Division to increase its revenues to the general fund, through savings and increased fees collected by \$410,000. Vote 20-0. Rep. Howard C. Townsend for Appropriations.

HB 109-FN, relative to physicians and dentists in the department of health and human services and the department of corrections. (A) Ought to Pass.

This bill places physicians and dentists in the Division of Public Health Services and in the Department of Corrections who are currently classified employees into the unclassified system in order to assist in retention and recruitment for these positions. The bill also defines the hearing procedures to be followed if any such person is terminated for good cause. This bill will increase state expenditures by \$59,816 in FY90; \$94,943 in FY91; by \$123,526 in FY92 and \$147,928 in FY93. Vote 16-0. Rep. Philip H. Weymouth for Appropriations.

HB 120-FN, increasing the amount available for suggestion and incentive awards to state employees. Ought to Pass with Amendment.

The present State Employee Award Program provides \$5,000 per year for cash awards to employees who have made suggestions that result in cost savings for state government. With the amendment, the amount will increase by \$2,500 each year. This is a successful program. Vote 17-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Amount of Rewards. Amend RSA 99-E:6 to read as follows:

99-E:6 Rewards. The committee shall present to the governor and council its requests for payment of awards under this chapter. The total of rewards granted in any

fiscal year shall not exceed [\$5,000] **\$7,500**. The governor is authorized to draw his warrant for rewards granted out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

The bill increases the total amount available each year for suggestion and incentive awards to state employees from \$5,000 to \$7,500.

The bill is the request of the division of personnel.

HB 251-FN-A, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor. (A) Ought to Pass.

This bill establishes a committee to study methods of promoting New Hampshire businesses and products internationally and is composed of members of the Legislature, Executive Department and the private sector and carries an appropriation of one dollar. Vote 18-0. Rep. Lee Anne Steiner for Appropriations.

HB 290-FN-A, to modernize the automation activities of the department of revenue administration and making an appropriation therefor. (A) Ought to Pass.

This policy bill enables the Department of Revenue Administration to modernize the automation activities of the department. The funding is contained in the capital and operating budgets. Vote 19-0. Rep. Howard C. Townsend for Appropriations.

HB 300-FN-A, relative to studying access to medical care for persons without health insurance and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill provides for a survey to determine how many persons in New Hampshire do not have access to health insurance or adequate medical care. As it came from the policy committee the bill contained \$30,000 for the survey. The amendment appropriates an additional \$15,000 for actuarial services provided that non-state sources can raise a \$15,000 match. Vote 21-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing all after section 6 with the following:

7 Additional Appropriation. An additional sum of \$15,000 for the fiscal year ending June 30, 1990, is appropriated to the office of the commissioner of the department of health and human services for the use of the committee established in section 2 if the committee is able to match such sum through grants and private donations. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect July 1, 1989.

HB 374-FN-A, relative to the Head Start program and making an appropriation therefor. Ought to Pass.

The funds appropriated in this bill will help to maintain the program's transportation system. If transportation is reduced it will become very difficult to serve the neediest families because only 25-30% of eligible children will be able to have access to the program. Priority for distribution would be to replace unsafe vans, and to reach the areas where more transportation is needed to reach a greater population. The private sector has cooperated in reducing the cost of the vans. The Fiscal Note calls for state expenditures of \$114,000 in both FY90 and FY91. Vote 20-0. Rep. Janet R. Pelley for Appropriations.

HB 386-FN-A, relative to improving the financial status of impoverished children and making an appropriation therefor. (A) Ought to Pass with Amendment.

This is another priority bill for the Committee as it should help prevent homelessness of families. The appropriation has been struck from the bill and \$100,000 added each year to the budget. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to improving the financial
status of impoverished children.

Amend the bill by deleting section 2 and renumbering section 3 to read as 2.

AMENDED ANALYSIS

This bill requires the director of human services to establish an emergency assistance program for families with children and with earnings below the poverty level.

Funding for the program is subject to available amounts in the budget of the division of human services.

HB 407-FN-A, relative to rent paid by the state for courtroom space and making an appropriation therefor. Inexpedient to Legislate.

This bill would have appropriated \$4 million for additional rent paid by the state for courtroom space and established a formula for calculating the amount paid for these leases. HB 200 provides modest increases for rentals, but the \$4 million is not available. Without substantial additional funding, the Committee was unable to come up with a formula which was both equitable and realistic. Vote 20-0. Rep. Caroline L. Gross for Appropriations.

HB 410-FN-A, relative to nursing scholarships and making an appropriation therefor. (A) Ought to Pass.

The Committee agrees with the policy committee that this is a priority bill. The Fiscal Note calls for state expenditures of \$50,000 in FY90 and FY91. Vote 20-0. Rep. Patricia O. Sanderson for Appropriations.

HB 426-FN-A, establishing the New Hampshire poison information center and making an appropriation therefor. (A) Re-refer to Committee on Health, Human Services and Elderly Affairs.

There are a number of unresolved fiscal questions about this bill. It is an important bill, but time is needed to study how much it will cost in the future. If the cost is too high, perhaps modifications could be made to the policy part of the bill. Vote 19-3. Rep. Elizabeth Hager for Appropriations.

HB 429-FN-A, relative to Medicaid expansion for low-income pregnant women, infants and children; establishing a task force on low provider participation in Medicaid; and making an appropriation therefor. Ought to Pass with Amendment.

This is a priority bill for the Committee, but because of fiscal constraints, it had to be reduced significantly. The bill mandates increased rates to prenatal care providers. No money appears in the bill but \$174,230 in FY90 and \$453,994 in FY91 has been placed in the budget. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to Medicaid expansion for low-income pregnant women
and establishing a task force on low provider
participation in Medicaid.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The general court recognizes that a serious and growing problem of impaired access to maternal and child health services for low-income women and children exists in New Hampshire. This act addresses the problem of low provider participation by immediately increasing the Medicaid reimbursement rates for certain key services and establishing a task force to study the problem and make recommendations to the general court.

2 New Subdivision; Medical Assistance for Pregnant Women. Amend RSA 167 by inserting after section 62 the following new subdivision:

Medical Assistance for Pregnant Women

167:63 Medical Assistance for Pregnant Women; Rules; Services; Reimbursement Rates. The director of the division of human services, department of health and human services, shall adopt rules, pursuant to RSA 541-A, relative to raising the Medicaid reimbursement rates for obstetric services to the following minimum amounts:

- I. For total obstetric care, vaginal delivery: \$1,000; and
- II. For total obstetric care, cesarian section: \$1,200.

3 Task Force on Increasing Provider Participation in Medical Assistance Membership.

I. There is established the task force on increasing provider participation in medical assistance. The task force shall be composed of the following members:

- (a) One member of the house of representatives, appointed by the speaker of the house.
- (b) One member of the senate, appointed by the president of the senate.
- (c) One member appointed by the governor.
- (d) The commissioner of the department of health and human services or designee.
- (e) The administrator of the Office of Medical Services or designee.
- (f) The chief of the Bureau of Maternal and Child Health or designee.
- (g) One member of the Health Data Advisory Committee appointed by the chair of that committee.
- (h) The president of the New Hampshire Medical Society or designee.
- (i) The president of the New Hampshire Dental Society or designee.
- (j) One person to be appointed by the task force who is a medical assistance recipient.

II. Appointments to the task force shall be made within 30 days of the effective date of this act.

III. Members of the task force shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to their duties on the task force.

4 Meetings; Chair. The appointed house member shall convene the first meeting of the task force within 60 days of the effective date of this act at which the chair shall be chosen.

5 Duties. The task force shall have the following duties:

I. To consider the available information on the extent of the problem of access to medical services for persons who are eligible for medical assistance, including the geographic areas and the kinds of services for which the problem is most severe.

II. To consider the factors which may inhibit provider participation, including but not limited to medical assistance reimbursement rates, program billing procedures and payment delays, and malpractice-related reasons, and to assess the relative importance of such factors.

III. To determine the difference between medical assistance reimbursement rates and the rates paid by private insurers or the average provider charge for the various medical assistance covered services.

IV. To develop recommendations and proposed legislation based on its finding for increasing provider participation in medical assistance.

6 Report. The task force shall report its preliminary findings and recommendations to the speaker of the house, the president of the senate, and the governor no later than December 1, 1989, with proposed legislation for the 1990 legislative session. The task force shall report its final findings and recommendations no later than December 1, 1990, with proposed legislation for the 1991 legislative session.

7 Administrative Support. To the extent possible, the department of health and human services, the house of representatives, and the senate shall provide staff support. All state agencies are directed to cooperate fully and promptly with any requests for information for the task force.

8 Implementation. The director of the division of human services shall adopt rules pursuant to RSA 541-A, to implement RSA 167:63, relative to reimbursement rates for obstetric services, on or before July 15, 1989.

9 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill raises Medicaid reimbursement rates for obstetric services for low-income pregnant women. The bill also establishes a task force to examine the problem of low provider participation in Medicaid for the purpose of making recommendations on proposed legislation to the general court.

HB 434-FN-A, relative to franchising and regulation of cable television systems and making an appropriation therefor. (A) Ought to Pass with Amendment.

This bill establishes a process by which subscribers can better communicate with cable TV companies and the Department of Justice regarding service and, as amended, sets forth filing requirements and a fee schedule. Vote 17-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend RSA 53-C:3-f and 53-C:3-g as inserted by section 3 of the bill by replacing them with the following:

53-C:3-f Franchise Document Clearing House. Within 60 days of the granting of an initial franchise and any renewal of such franchise, the franchisee shall file a copy of the franchise and any Federal Communications Commission rulings or other rulings affecting such franchisee with the secretary of state. Within 60 days of the passage of this act all cable system operators shall file a copy of their existing franchise with the secretary of state. The secretary of state shall maintain a file of all franchise documents so recorded and make copies available upon request for the cost of reproduction

and mailing, plus a reasonable administrative fee. The filing fee for initial and renewal franchise documents shall be \$500 per franchise or renewal of such franchise. In years in which the filing of initial or renewal franchise documents is not required, the franchisee shall pay to the secretary of state a fee of \$100 for each locality served by the franchise.

53-C:3-g Rights of Individuals. No cable television system operator shall deny service, deny access, or otherwise discriminate against subscribers, channel users, or any other citizens on the basis of age, race, religion, sex, physical handicap, or country of natural origin.

AMENDED ANALYSIS

This bill provides municipalities with considerations relative to the granting of cable television franchises which are to be considered at a public hearing called for such purpose. The bill sets up a process by which subscribers can communicate with cable television companies and the department of justice regarding their cable television service. The bill also requires each cable television system to submit to the secretary of state a copy of its franchise and any FCC rulings or other rulings affecting the cable system operator, and to pay filing fees and annual fees to the secretary of state.

HB 570-FN-A, establishing a forgiveable teaching loan program and making an appropriation therefor. Ought to Pass.

This bill appropriates \$100,000 for forgivable teaching loans; the Committee feels this is important. Vote 21-0. Rep. Elizabeth Hager for Appropriations.

HB 594-FN, relative to health care coverage for retired persons. Ought to Pass with Amendment.

This amended bill as a matter of equity reinstates health insurance coverage to the dependents of a certain and limited number of retirees who had formerly received such coverage over a long period of time as a result of a misinterpretation of the statute and have through a corrected interpretation lost these benefits. This bill will increase state expenditures \$155,546 based upon current premium levels at an annual cost of \$155,546. Vote 18-0. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

to reinstate medical and surgical benefits for certain
retired employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Health and Medical Benefits Reinstated.

I. Notwithstanding any finding and result to the contrary in the 1988 audit of the New Hampshire retirement system conducted by the fiscal committee of the general court, and notwithstanding the provisions of RSA 21-I:26, each retired employee and spouse or retired employee's beneficiary who was receiving group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits prior to December 1, 1988, as part of the state employees group insurance benefits under RSA 21-I:26 as that section was interpreted by the New Hampshire retirement system prior to December 1, 1988, shall continue to receive the group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits which they received prior to December 1, 1988.

II. Each retired employee and spouse or retired employee's beneficiary listed in paragraph I who received group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits under RSA 21-I:26 between December 1, 1988, and the effective date of this act shall have those benefits readjusted upward to reflect the benefits they were receiving as interpreted by the New Hampshire retirement system prior to December 1, 1988.

III. The provisions of this act shall not apply to employees who are not listed in paragraph I and who retire after the effective date of this act, or to the spouses or beneficiaries of retired employees who are not listed in paragraph I.

2 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill reinstates the group hospitalization, hospital medical care, surgical care, and other medical and surgical benefits which retired employees and their spouses or beneficiaries were receiving under RSA 21-I:26, as that section was interpreted by the New Hampshire retirement system prior to December 1, 1988. This provision does not apply to state employees and their spouses or beneficiaries who retired after December 1, 1988.

SB 12, relative to the Uniform Gifts to Minors law. Ought to Pass.

This bill describes the duties of a custodian in the disposition of custodial property upon the termination of the custodianship. It adds a section to the Uniform Law which was inadvertently omitted when RSA 463-A was adopted. Vote 12-0. Rep. Josephine Mayhew for Children, Youth and Juvenile Justice.

SB 182-FN-A, making appropriations to expand the nursing programs at the New Hampshire vocational-technical college-Claremont. Inexpedient to Legislate.

This bill would direct funds solely for the benefit on one college, New Hampshire Vocational-Technical-College - Claremont. The Postsecondary Commissioner and presidents of the other technical colleges who testified all spoke in opposition as their monies were being diverted to the Claremont Vocational-Technical College. Vote 15-0. Rep. Edmund M. Keefe for Education.

SCR 2-FN, recognizing the importance of recycling. Ought to Pass.

This joint resolution recognizes the importance of recycling in Solid Waste Management and encourages the legislature and state executive departments to develop recycling plans to achieve a 25% reduction of waste in the state office buildings during the 1989-1991 biennium. Vote 11-0. Rep. Harry E. Flanders for Environment and Agriculture.

SB 34, nullifying the sunset termination of the port authority scheduled for July 1, 1989. Ought to Pass.

The Committee agrees with the bill's proponents that the Port Authority provides a valuable service to the state in terms of managing the activities under its jurisdiction and contributing significantly to New Hampshire's economy. Vote 12-0. Rep. Wayne M. Burton for Executive Departments and Administration.

SB 51-FN, relative to the Christa McAuliffe planetarium. Ought to Pass with Amendment.

This bill establishes the unclassified position of Director of the Christa McAuliffe Planetarium. The Director will be appointed and will serve at the pleasure of the Planetarium Commission. The Director will be in Group M of the current unclassi-

fied system. The bill also establishes the Christa McAuliffe Planetarium Fund which will receive all fees received by the Commission, and all monetary gifts, grants, and donations. The fund will also be used to pay the operational expenses of the Planetarium and the Planetarium Commission. Vote 10-1. Rep. Randall F. Shaw for Executive Departments and Administration.

Amendment

Amend the bill by replacing section 4 with the following:

4 Reference Correction. Amend RSA 21-K:14, VI to read as follows:

VI. *Enter into contracts as provided in paragraph V, provided that* all contracts, agreements, procurement, personnel, and operations shall be subject to the same requirements as all [other] state agencies.

5 Charitable Purposes of Fund. Amend RSA 21-K:16 to read as follows:

21-K:16 Christa McAuliffe Planetarium Fund.

I. There is hereby established in the office of the state treasurer a fund to be known as the Christa McAuliffe planetarium fund which shall be kept separate and distinct from all other funds. All fees received by the commission pursuant to RSA 21-K:14 and all monetary gifts, grants, and donations pursuant to RSA 21-K:15 shall be deposited in such fund. [The operational expenses of the planetarium and the commission and, to the extent possible, the principal and interest on any bonds or notes which may be issued in the name of the state for the purpose of constructing and equipping the planetarium shall be paid from this fund.] *This fund is organized exclusively for religious, charitable, scientific, literary, or educational purposes, within the meaning of those terms as used in section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and no part of the net earnings shall inure to the benefit of any private shareholder or individual. In addition, but in no way limiting the enumerated purpose of this fund, the fund is established to pay for the operational expenses of the planetarium and the planetarium commission. The trust fund established in this paragraph shall not change in purpose without an amendment to this section.* The moneys in this fund shall be nonlapsing and shall be continually appropriated to the commission. *In the event of dissolution, all assets shall be distributed to organizations qualified as exempt under section 501(c)(3) of the Internal Revenue Code, or to the federal government or to the state government for a public purpose.*

II. *Nothing in this section shall be construed to prohibit the commission from establishing an endowment fund.*

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes an unclassified position for a director of the Christa McAuliffe planetarium. The director shall be appointed by and shall serve at the pleasure of the Christa McAuliffe planetarium commission.

The bill provides that the Christa McAuliffe planetarium fund is established for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Referred to Appropriations.

SB 77-FN, relative to holiday pay for certain part-time employees. Ought to Pass.

This legislation will remedy an inequity that does not allow part-time institutional workers holiday pay. It will be a great aid in recruiting nurses at the New Hampshire

Hospital for part-time employment. Vote 13-0. Rep. Maurice B. MacDonald for Executive Departments and Administration.

Referred to Appropriations.

SB 47, authorizing a day for fishing without a license. Ought to Pass with Amendment.

The Committee feels this would be a public relations move, to encourage more people to go fishing as a family unit. Vote 18-0. Rep. Laura C. Pantelakos for Fish and Game.

Amendment

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

SB 31, relative to renovation of the Rochester post office as a district court facility. Ought to Pass.

This bill concerns renovations necessary for use of the old Rochester Post Office as a district court facility. The state already owns the Post Office building, and the court has been asked to vacate its present location by September 1. The funds necessary for renovations will come from funds left from a 1988 appropriation concerning the purchase and enhancement of the Littleton Courthouse. By an 18-0 vote the Committee heartily endorses this program. Rep. Gene G. Chandler for Public Works.

Referred to Appropriations.

SB 58-A, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge. Ought to Pass.

The Committee voted 18-0 to reimburse the highway surplus account. The sum of \$2,800,000 to cover costs of the continued uninterrupted reconstruction of the Cornish-Windsor covered bridge. The funds will be bonded in accordance with RSA-6. Vote 18-0. Rep. Warren L. Swope for Public Works.

Referred to Appropriations.

SB 104, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border. Ought to Pass.

The bill authorizes the Governor and Council to accept land donated by Lockheed Corporation for the purpose of constructing a northbound ramp onto Route 3 from the Daniel Webster Highway and to negotiate with Massachusetts for sufficient land to construct the ramp. Vote 18-0. Rep. David K. Wheeler for Public Works.

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster. Ought to Pass.

The bill provides the necessary funds to improve the electrical service at Weeks State Park. This park is seeing increased use and this improvement has been delayed several times. The appropriation is \$40,000. Vote 17-0. Rep. Dennis J. Kilbride for Public Works.

Referred to Appropriations.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor. Ought to Pass.

This is a real housekeeping bill. It lapses appropriated, but unused state highway funds. It also adjusts highway appropriation accounts to add state matching funds to federal funds. Vote 17-0. Rep. William K. Kincaid for Public Works.

Referred to Appropriations.

SB 179-FN-A, establishing a committee to study the feasibility of a privately funded zoological park, aquarium, and botanical garden. Inexpedient to Legislate.

The Committee feels that a privately funded zoological park, as called for in this bill, should be just that, privately funded and does not need authorization by the Legislature, but instead should be developed and promoted by the private sector. Vote 18-0. Rep. Gene G. Chandler for Public Works.

Regular Calendar

HB 57-FN-A, appropriating funds to the department of agriculture to continue work on the Eastern States Building. Ought to Pass.

This bill allows maintenance work on the New Hampshire Building at the Eastern States Exposition to continue. It will allow needed repairs to the roof and exterior of the building which is visited by more than 500,000 people each year as a showplace of New Hampshire products and activities. The Fiscal Note calls for state expenditures of \$22,000 in FY90 and \$42,000 in FY91. Vote 14-4. Rep. Lee Anne S. Steiner or Appropriations.

Ordered to third reading.

HB 100-A, making appropriations for capital improvements. (A) Ought to Pass with Amendment.

The capital budget as reported out by the Appropriations Committee adds funding for the Winnepesaukee River Flood Control Project, additional funds for the Land Conservation Investment Plan, computer hardware for Revenue Administration and improvements to the Lebanon Municipal Airport. Vote 20-0. Rep. Ralph W. Pearson for Appropriations.

Amendment

Amend section 1 of the bill by replacing all after the total state appropriation paragraph III with the following:

IV. Environmental Services	
A. Small watershed programs	\$100,000
Total subparagraph A	\$100,000
B. Winnepesaukee River flood reduction project	\$6,400,000
Less Federal (75 percent share under PL 99-662)	-4,800,000
Less appropriation made in 1985, 415:7 and 8 for replacement of Railroad Bridge over Winnepesaukee River in Tilton	-400,000
Net appropriation subparagraph B	\$1,200,000
Total state appropriation paragraph IV	\$1,300,000
V. Health and Human Services	
A. New Hampshire Hospital	
1. Laundry dryer equipment*	48,000
Total subparagraph A	\$ 48,000
B. Laconia Developmental Services	
1. Roof replacement	\$ 96,600
2. Replace steam lines	\$ 92,000
Total subparagraph B	\$ 188,600
C. Glencliff Home for the Elderly	
1. Roof replacements	\$ 65,000
2. Rewire Adams Hall and Brown Building	350,000

3. Replace poles and wiring to Hydro House	100,000
4. Generator replacement	75,000
Total subparagraph C	\$ 590,000
D. Children and Youth Services	
1. Asbestos abatement-Philbrook and YDC	\$ 450,000
2. Design for renovation Pinecrest Cottage - YDC	48,000
3. Install loading dock lift-YDC	125,000
4. Rewire Administration Building-YDC	36,000
5. Air handling-Philbrook	40,000
Total subparagraph D	\$ 699,000
Total state appropriation paragraph V	\$ 1,525,600
VI. Liquor Commission	
A. Point of sale equipment/emergency power for computers*	\$ 2,800,000
Total state appropriation paragraph VI	\$ 2,800,000
VII. Port Authority	
A. Study, design, consulting, permitting- Port of Portsmouth Expansion	\$ 100,000
Total state appropriation paragraph VII	\$ 100,000
(The funds appropriated in this paragraph shall not be spent, obligated, or encumbered until such time as the port authority has developed an action plan and received the approval of such plan from both the capital budget overview committee and the governor and council.)	
VIII. Postsecondary Vocational-Technical Education	
A. NHVTC - Manchester	
1. Phase I rehabilitation of Knox Building	\$ 1,200,000
Total appropriation subparagraph A	\$ 1,200,000
B. NHVTC - Claremont	
1. Library remodeling and renovation/ renovation of existing machine shop into business and computer center	\$ 1,082,000
Total appropriation subparagraph B	\$ 1,082,000
C. NHVTC - Nashua	
1. Drainage and Dredging	\$ 50,000
Total appropriation subparagraph C	\$ 50,000
D. Office of Commissioner	
1. Remove and replace various fuel tanks	\$ 386,000
Total appropriation subparagraph D	\$ 386,000
Total appropriation paragraph VIII	\$ 2,718,000
IX. Resources and Economic Development	
A. Mount Sunapee and Cannon-ski areas improvements-snowmaking/architectural and engineering design-Sunapee Base Lodge	\$ 1,800,000
B. Cannon Mountain chair lift	\$ 800,000
C. Handicapped accessibility-various parks	200,000
D. Bathhouse-Pawtuckaway state park	50,000
Total appropriation paragraph IX	\$ 2,850,000
X. Revenue Administration	
A. Computer hardware	\$ 1,472,035
Total appropriation paragraph X	\$ 1,472,035

XI. Supreme Court

A. Concord district court	\$ 3,600,000
Total appropriation paragraph XI	\$ 3,600,000

XII. Transportation

A. Aeronautics division

1. Keene Dillant-Hopkins Airport-airport improvements	\$ 5,000,000
Less Federal (FAA)	- 4,500,000
Less Local (Keene)	- 250,000

Net appropriation subparagraph 1	\$ 250,000
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2. Mt. Washington Regional Airport-Whitefield and Berlin
Municipal Airport-Berlin/purchase install and maintain FAA
certified automatic weather observation system #3. \$ 200,000

3 Lebanon Municipal Airport-construct extension of parallel taxiway to runway 25 threshold	\$ 1,730,300
Less Federal	- 1,557,270
Less Local	- 86,515
Net appropriation subparagraph 3	\$ 86,515

Total appropriation subparagraph A	\$ 536,515
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Total state appropriation paragraph XII	\$ 536,515
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Total state appropriation section 1	\$20,131,400
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*To be 5 year bonds.

Amend the bill by replacing section 7 with the following:

7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3 and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$36,155,650 and for said purposes may issue bonds and notes in the name and on behalf of the the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by replacing section 16 with the following:

16 Appropriation; State Water Pollution Control Revolving Loan Fund. The sum of \$7,200,000 is hereby appropriated for the biennium ending June 30, 1991, to the department of environmental services for the purpose of providing a 20 percent state matching grant for the federal funds to be deposited into the state revolving loan fund established by RSA 149-B:12. This appropriation is an estimate of the 20 percent required match for this biennium. In the event that the federal funds for this purpose are decreased, the state appropriation shall be reduced in proportion to the amount the federal funds have been decreased.

Amend paragraph I as inserted by section 20 of the bill by replacing it with the following:

I. The appropriation made to the department of corrections in 1988, 224:1, I, A for phase V prison construction, is hereby extended to June 30, 1991. The following supplemental programs are hereby authorized from the balance remaining in said appropriation:

(a) Grasmere Women's facility - security renovations, interior renovations including necessary furnishing and equipment - \$500,000.

(b) Mobile housing, furnishings, support activities, food service, and equipment for a forestry work camp - \$900,000.

(c) Equipment for main prison project - \$500,000.

(d) Long range prison planning study - \$75,000.

Amend paragraph II as inserted by section 20 of the bill by inserting after subparagraph (m) the following new subparagraph:

(n) The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16 and 1986, 211:14, for the Skyhaven airport.

Amend paragraph I of section 21 of the bill by replacing it with the following:

I. Section 24 of this act shall take effect upon its passage.

Amend the bill by inserting after section 19 the following and renumbering the original sections 20 and 21 to read as 24 and 25, respectively:

20 Appropriation; Executive - State Planning. The sum of \$18,000,000 is hereby appropriated for the biennium ending June 30, 1991, to the office of state planning for purposes of the land conservation fund.

21 Bonds Authorized. To provide funds for the appropriation made in section 20 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding the sum of \$18,000,000, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided that bonds or notes issued for \$8,000,000 of the appropriation shall not be issued until on or after November 1, 1989, and bonds or notes issued for the remaining \$10,000,000 of the appropriation shall not be issued until on or after November 1, 1990.

22 Payments. The payment of principal and interest on bonds and notes issued for the project in section 20 shall be made when due from the general fund.

23 Port Authority; Dredging. Amend 1987, 399:1, VII to read as follows:

VII. Port Authority

A. Dredging pier (N.W. end)	\$ 66,000
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B. Dredging of Portsmouth Harbor and the Piscataqua River	18,700,000
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Less federal	-14,000,000
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Net appropriation paragraph B	4,700,000
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Total state appropriation paragraph VII	\$ 4,766,000
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(The appropriation for the water improvement project in paragraph VII, B shall be used to widen the maneuvering area between the 2 vertical lift bridges from 600 feet to a maximum of 1000 feet[;] **and** widen by 100 feet the northern limit of the channel adjacent to Badgers Island[; and widen the southern limit of the channel at the eastern end of Goat Island southeast of Henderson Point from 400 to 550 feet]. Section 21 of this act contains additional costs associated with this project.

Rep. LaMott yielded to questions and spoke to the committee amendment.

Amendment adopted.

A roll call was requested. Not sufficiently seconded.

Ordered to third reading.

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991. Ought to Pass with Amendment.

As amended, HB 200-A is the recommendation of the Appropriations Committee for a balanced spending plan for the next biennium. The Committee vote, with every member present, was 23-0. Rep. William F. Kidder for Appropriations.

The Committee amendment was printed as House Record 62 and is incorporated in the Journal by reference.

Reps. Kidder and Gross spoke to the amendment and yielded to questions.

Rep. Gross yielded to Rep. Douglas Hall, who yielded to questions.

Rep. Gross yielded to Rep. LaMott.

Rep. LaMott yielded to Rep. Hager, who yielded to questions.

Amendment adopted.

Rep. Gross offered an amendment.

The Committee Floor amendment was printed as House Record 67 and is incorporated in the Journal by reference.

Amendment adopted.

Rep. White offered an amendment.

Amendment

Amend PAU 02, 15, 03, 06 by replacing all after class 80 with the following and by changing subtotals and totals as hereinafter specified to reflect the specified changes:

	Fiscal Year 1990	Fiscal Year 1991
90 Drivers Assistance	\$ 948,250	\$ 964,900
Total	\$1,324,798	\$1,355,843
Estimated source of funds for driver and safety education		
09 Agency Income	\$1,324,798	\$1,355,843
Total	\$1,324,798	\$1,355,843

The Chair requested the Clerk read the amendment.

Rep. White spoke to his amendment.

Rep. Kidder spoke in favor of the amendment.

Amendment adopted.

The House was in brief recess.

Rep. Copenhagen spoke to the bill.

Reps. Gross, Kidder, Douglas Hall and Hager yielded to questions.

Reps. Chambers and Palumbo spoke in favor of the Committee report.

Question being ordering HB 200 to third reading.

A roll call was requested. Sufficiently seconded.

YEAS 314

NAYS 23

YEAS 314

BELKNAP

Ballou, Richard A.

Golden, Paul A.

Holbrook, Robert G.

Rice, Thomas E. P., Jr.

Turner, Robert H.

Ziegra, Alice S.

Bolduc, Dennis R.

Hardy, Earle D.

Maviglio, Steven R.

Richardson, Lawrence

Vogler, Charles C.

Campbell, Richard H., Jr.

Hawkins, Robert S.

Pearson, Ralph W.

Rosen, Ralph J.

White, James J.

CARROLL

Allard, Nanci A.

Dodge, Arthur G., Jr.

Olimpio, J. Lisbeth

Wiggin, Allen R.

Chandler, Gene G.

Foster, Robert W.

Powers, Gerard E., Jr.

Daly, Robert J., Jr.

MacDonald, Kenneth J.

Saunders, Howard N.

CHESHIRE

Blacketor, Paul G.
 Delano, Robert F.
 Gordon, Irvin H.
 Hunt, John B.
 Matson, William R.
 Perry, David M.
 Spear, Susan S.

Cole, Stacey W.
 Doucette, Richard F.
 Grodin, Richard A.
 LaMar, David M.
 Metzger, Katherine H.
 Pratt, Irene A.

Crutchley, Donald O.
 Foster, Katherine D.
 Hill, Douglas E.
 Laurent, John J.
 Pearson, Gertrude B.
 Sawyer, Alfred P.

COOS

Brungot, Catherine V.
 Dumont, Robert E.
 Kilbride, Dennis J.
 Nelson, Harold D.
 Woodburn, Jeffrey R.

Buckley, C. Fitzgerald, III
 Guay, Lawrence J.
 Marsh, Beaton
 Oleson, Otto H.

Burns, Harold W.
 Horton, Lynn C.
 Merrill, Gerald P.
 Theriault, Romeo J.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Christy, C. Dana
 Driscoll, William J.
 LaMott, Paul I.
 Nordgren, Sharon L.
 Stewart, Roger
 Wadsworth, Karen O.
 Whitcomb, Henry F., Jr.

Arnesen, Deborah L.
 Brown, Channing T.
 Copenhaver, Marion L.
 Guest, Robert H.
 Larson, Nils H., Jr.
 Rose, William B.
 Teschner, Douglass P.
 Ward, Kathleen W.

Bean, Pamela B.
 Chambers, Mary P.
 Densmore, Edward D.
 Hill, Richard L.
 Markley, J. Keith
 Scanlan, David M.
 Townsend, Howard C.
 Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Barry, Janet G.
 Bicknell, Robert C.
 Burkush, Peter A.
 Daigle, Robert A.
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Fields, Dennis H.
 Frank, Nancy G.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Holden, Carol H.
 Jasper, Shawn N.
 Johnson, Lionel W.
 Knight, Alice Tirrell
 Long, Linda D.
 McCann, Bonnie Lou
 Messier, Irene M.
 Nardi, Theodora P.
 Perham, Lester R.
 Record, Alice B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.

Amidon, Eleanor H.
 Barry, Vivian
 Bourque, Ann J.
 Cowenhoven, Garret P.
 Desrochers, Gerard T.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Dyer, Merton S.
 Foote, Herbert N., Sr.
 Gagnon, Gabrielle V.
 Green, Scott E.
 Harlan, Susan N.
 Hultgren, David D.
 Jean, Romeo W.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lown, Elizabeth D.
 McDowell, James E.
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Sallada, Roland A.
 Smith, Leonard A.

Baldizar, Barbara J.
 Beaupre, Roland O.
 Bowers, Dorothy C.
 Cox, Gladys M.
 Desrosiers, William J.
 Donovan, Francis X.
 Dube, Ellen C.
 Emerton, Lawrence A., Sr.
 Ford, Nancy M.
 Genest, Fernand A.
 Guilbert, Lionel
 Hatch, William H.
 Hunter, Bruce F.
 Jenkins, Mary
 King, John A.
 Lachut, Ervin R.
 Mason, Howard F.
 McNerney, Daniel P.
 Murphy, Robert E.
 Pappas, Tqni
 Provost, Gilles R.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Soucy, Lillian E.

Steiner, Lee Anne S.
Toomey, Daniel
Upton, Barbara A.
Young, Willard N.

Stiles, Walter A.
Turgeon, Roland M.
Vanderlosk, Stanley R.

Tarpley, Nancy L.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea G.
Dunn, Miriam D.
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.
Teague, Bert
Wallner, Mary Jane

Apple, Lowell D.
Beaton, Nancy C.
Carter, Susan D.
Fair, Patricia A.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Smith, Gerald R.
Tolpin, Richard W.
West, George M.

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Provencal, Leo A.
Stio, Peter M.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Blanchard, MaryAnn N.
Buco, Stephen W.
Caswell, Albert, Jr.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Hoar, John, Jr.
Hynes, Carolyn E.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Magoon, Harold F.
McCarthy, John J., Jr.
Micklon, Stephanie K.
Raynowska, Bernard J.
Sanderson, Patricia O.
Seward, Russell G.
Skinner, Patricia M.
Stachowske, Vicki
Vartanian, Elsie
Weddle, Michael R.

Bell, Juanita L.
Boucher, William P.
Campbell, Eunice M.
Conroy, Janet M.
Drake, Herbert R.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Hoelzel, Kathleen M.
Johnson, Robert A.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Dube, LeRoy S.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Kane, Cecelia D.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
McCain, William F.
McKinney, Betsy
Popov, Elizabeth M.
Rosencrantz, James R.
Senter, Marilyn P.
Simon, Peter M.
Splaine, John E., Sr.
Tufts, J. Arthur
Warburton, Calvin
Wright, David B.

STRAFFORD

Bernard, Mary E.
Burton, Wayne M.
Flynn, Edward J.
Keans, Sandra B.
Lachance, Douglas A.
McCann, William H., Jr.

Bickford, Drucilla
Dionne, Albert J.
Foss, Patricia H.
Kincaid, William K.
Marston, Robert E.
Merrill, Amanda A.

Brown, Julie M.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Martling, W. Kent
Parks, Joe B.

Pelley, Janet R.
Stewart, Glenn W.
Torr, Ann M.
Wall, Janet G.

Scharff, Thomas E.
Sullivan, Henry P.
Tsiros, William
Wheeler, Katherine Wells

Spencer, Leo J.
Swope, Warren L.
Vincent, Francis C.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Burling, Peter Hoe
Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

NAYS 23

BELKNAP

Locke, Matthew J.

CHESHIRE

Barber, Robert E., Jr.

GRAFTON

Dow, David O.

HILLSBOROUGH

Alukonis, David J.
Hall, Betty B.
McRae, Karen
Rodgers, G. Philip

Boucher, Lionel R.
Kurk, Neal M.
Packard, Bonnie B.
Wright, George W.

Elliott, Larry G.
Lozeau, Donnalee M.
Pepino, Leo P.

ROCKINGHAM

Brown, Jeffrey M.
Welch, David A.

Chase, Lawrence A., Jr.

Palazzo, Frank J., Sr.

STRAFFORD

Appleby, James E.

Gilmore, Gary R.

O'Brien, John

SULLIVAN

Brodeur, Robert J.

Harland, Jane A.

and HB 200 was ordered to third reading.

Reps. Dickinson and Whittemore notified the Clerk that they wished to be recorded in favor of the bill.

HB 250-FN, relative to the classified personnel system. (A) Ought to Pass.

This bill will provide a new personnel system for all the classified employees of the state, based on the recommendations of an independent consultant as approved by the task force. A new system is badly needed in terms of fairness to state employees because (a) many long-time employees are at the top of their merit increase steps and cannot receive further merit increases under the current system, and (b) many job descriptions are badly outdated.

Enactment of HB 250 is also a badly needed cost avoidance measure. Under the bill, each state employee will be placed in the correct labor grade and step; each state employee will have an updated and personalized job description, and each will be eligible for up to three additional merit increases. The bill does this all at once; without the bill there are no additional steps and the only alternative is to reclassify one individual position at a time. The cost of this just in terms of paperwork, hearings and appeals is already substantial.

The fiscal note estimates that this bill will cost \$4.3 million which will largely come from the salary adjustment fund. There is no money in the bill for pay raises; it

is all either for reclassification or to grandfather all existing state employees so that no person will receive a cut in pay.

In its consideration of the bill, the Committee on Executive Departments and Administration made several policy changes which involve (1) a time limit for the consideration of requests for classification under the new system; (2) a financial penalty if these time limits are not followed; and (3) insertion of a statement of legislative intent which included this sentence: "It is not the intent of this bill to interfere with or complicate in any way the negotiation process between the state and its employees."

A majority of the Appropriations Committee believes that the Executive Departments and Administration Committee version of the bill should pass without change. Vote 12-7. Rep. Caroline L. Gross for Appropriations.

Ordered to third reading.

HB 296-FN-A, relative to Alzheimer's respite care service and making an appropriation therefor. Inexpedient to Legislate.

The Committee believes that the respite care program is very important; therefore it has added \$100,000 each year in the budget for it. Raising the maximum amount per family this year, as requested in the bill, is not feasible. Vote 14-1. Rep. Elizabeth Hager for Appropriations.

Resolution adopted.

HB 394-FN-A, establishing a state energy response commission. Ought to Pass.

At the present time this state, in response to federal requirements and our own needs, has begun to develop an overall plan for responding to disasters involving hazardous materials. By creating a committee to study sources of funding for our response to potential disasters, this bill puts another piece of puzzle into place. No expenditure is involved in the bill. Vote 20-0. Rep. Caroline L. Gross for Appropriations.

Ordered to third reading.

HB 420-FN-A, establishing a pilot guidance assistance program for grades 1-6 and making an appropriation therefor. (A) Inexpedient to Legislate.

The Committee compliments the sponsors and the Education Committee for an innovative idea. However, given the fiscal picture of the state we can't recommend a new pilot program at this time. We would recommend that the sponsors inform the Advisory Dropout Prevention Task Force about their concept and in addition a Dropout Prevention grant could be applied for. Vote 14-1. Rep. Ellen-Ann Robinson for Appropriations.

Resolution adopted.

HB 433-FN-A, relative to a pool for environmental liability insurance and making an appropriation therefor. (A) Ought to Pass with Amendment.

Although the amendment reduces the appropriation from \$122,500 to \$95,000, testimony indicates this will be sufficient. As amended, the bill will permit the creation of a pool which, for the first time in many cases, will give local communities and businesses access to environmental liability insurance. When the pool comes on line, the appropriation will be paid back. Vote 14-4. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$95,000 is hereby appropriated to the environmental risk insurance pool board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

HB 518-FN, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor. (A) Ought to Pass with Amendment.

Last session the state created an experimental unit to monitor and collect the cost of indigent defense services. This experiment was a success and HB 518 makes the unit a permanent one.

As amended, the bill also provides that persons who receive indigent defense services will all, regardless of the verdict in the case, pay back the cost of these services in all or in part, based on ability to pay. This suggestion was in the performance audit report and has been adopted after consultation with the sponsor and the chairman of the policy committee.

As amended, this bill is also revenue positive even after the costs of the unit are paid. Vote 17-3. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend RSA 604-A:9, I as inserted by section 7 of the bill by replacing it with the following:

I. Any adult defendant who is acquitted or who is convicted of any offense whose sentence does not include actual incarceration in the state prison and who has had counsel or a public defender assigned to him at the expense of the state shall at the time of acquittal or sentencing, if the defendant is not placed on probation or sentenced to a period of conditional discharge, be ordered by the court under paragraph I-b to repay the state through the unit of cost containment, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay, such ability to be determined by the unit of cost containment. If the defendant is placed on probation or sentenced to a period of conditional discharge, the defendant shall be ordered by the court to repay the state through the department of corrections, all fees and expenses paid on his behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

Amend RSA 604-A:9, I-a as inserted by section 8 of the bill by replacing it with the following:

I-a. Notwithstanding the provisions of paragraph I, any juvenile charged with being delinquent who is acquitted or who is convicted of any offense and who has had counsel or a public defender assigned to him at the expense of the state, or any person liable for the support of the juvenile pursuant to RSA 604-A:2-a, shall at the time of acquittal or sentencing, be ordered by the court to repay the state through the unit of cost containment where the defendant is acquitted or through the defendant's juvenile services officer where the defendant is convicted, all fees and expenses paid on the defendant's behalf on such terms as the court may order consistent with the defendant's present or future ability to pay.

Amend the bill by inserting after section 9 the following and renumbering the original sections 10-13 to read as 11, 12, 13, 14, respectively.

10 Repayment. Amend RSA 604-A:9, VI to read as follows:

VI. At any time within 6 years of the disposition of an action in which the court finds at the time of *acquittal or* sentence or thereafter that the defendant is not able to make payments to the state as provided in paragraph I, the state may petition the court for an order of repayment. The court shall order such repayment in whole or in partial payments, unless the court finds the defendant is unable to pay, in whole or in partial payments, the amounts paid on his behalf for fees and expenses pursuant to this chapter. Notice of each such order shall be forwarded to the commissioner of administrative services.

Amend the bill by replacing all after section 12 with the following:

13 Appropriation; Department of Administrative Services. There is established a new PAU within the department of administrative services for the cost containment unit. The following sums are appropriated to this PAU to pay the costs of the positions authorized in section 14 of this act and other costs of the cost containment unit as follows:

- 01 General government
- 04 Administrative services
- 01 Office of commissioner
- 02 Budget office
- 05 Cost containment unit

	Fiscal Year	Fiscal Year
	1990	1991
10 Personal services - permanent	118,756	123,788
20 Current expenses	32,540	33,990
30 Equipment	2,450	800
50 Other personal services	29,719	30,874
60 Benefits	29,588	32,071
70 In-state travel	3,000	3,400
80 Out-of-state travel	500	550
90 Other expenditures	1,600	1,600
* Class 20 includes		
Rent FY90	15,990	
FY91	16,790	
TOTAL	218,153	227,073

Estimated source of funds for cost containment unit

General fund	218,153	227,073
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The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

14 New Positions Authorized. The commissioner of administrative services is authorized to establish one of each of the following positions for the purposes of this act:

- I. Administrator I
- II. Business administrator I
- III. Case technician II
- IV. Case technician I

V. Case technician I

VI. Clerk IV

15 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill establishes a cost containment unit within the office of the commissioner of administrative services. The unit of cost containment shall be responsible for determining eligibility and repayment schedules and for collecting repayments under the indigent defense program. The bill allows repayments to be collected from defendants who are acquitted as well as those who are convicted. The bill grants the commissioner of administrative services rulemaking authority necessary to administer the indigent defense eligibility and repayment program.

The bill makes an appropriation for purposes establishing new positions to administer the indigent defense eligibility and repayment program and other purposes of the cost containment unit.

Rep. Scott Green spoke against the amendment.

Rep. Gross spoke to the amendment and yielded to questions.

Rep. Gross yielded to Rep. Sytek, who yielded to questions.

Rep. Dunn yielded to questions.

Rep. Maurice MacDonald spoke to the amendment.

Amendment adopted.

Ordered to third reading.

HB 619-FN, relative to the cost to counties for performing autopsies. Inexpedient to Legislate.

This bill was sponsored by members of the Coos County Delegation who believe that the cost of transporting bodies for autopsies shows an upswing which, if not checked soon, will place an additional burden on counties.

The state's central role in the autopsy process is relatively new and all the pieces have not yet been put into place. The next step in the state process is to provide an Assistant Medical Examiner, and this is done in HB 200-A. When the state can honestly provide the medical function, it will be time to look at associated costs. Vote 15-1. Rep. Caroline L. Gross for Appropriations.

Resolution adopted.

HB 715, relative to a capital improvement plan; the capital budget; and a debt management plan. Ought to Pass.

This bill establishes a long range (10 year) capital improvement plan and debt management plan in the area of capital expenditures. It uses the system already in place in the capital budget process and adds a debt management overview committee for more in-depth analysis of the debt level. Vote 18-3. Rep. Ralph W. Pearson for Appropriations.

Ordered to third reading.

HB 764-FN-A, relative to state revenues and appropriations. Ought to Pass with Amendment.

This is the companion bill that provides the statutory changes needed for HB 200-A.

The amendment makes the adjustments needed to enact the amended version of HB 200-A. Major changes include (1) deletion of the charge-back to counties and (2)

deletion of the proposed shore-line and air-car taxes. The bill is revenue positive and will raise an estimated \$12 million in general funds for the next biennium. Vote 23-0. Rep. William F. Kidder for Appropriations.

Amendment

Amend the bill by replacing section 10 with the following:

10 Certifications for Corporations; Fee Added. Amend RSA 77-A:18 to read as follows:

77-A:18 [Dissolution of Corporations] *Certifications for Dissolution, Withdrawal and Good Standing.*

I. (a) No corporation organized under any law of this state may be dissolved until all taxes and interest imposed upon the corporation under this chapter have been fully paid. The secretary of state shall not issue a certificate of dissolution, and no decree of dissolution shall be signed in any court without a [certificate] *statement* from the commissioner of revenue administration that no [taxes and interest imposed by this chapter] *returns, tax, interest, or penalties for taxes administered by the department* are due and unpaid.

(b) *A corporation wishing to dissolve shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the corporation's records, the commissioner determines that no returns, tax, interest, or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement in accordance with subparagraph (a).*

II. *A business organization wishing to obtain a statement for withdrawal, in accordance with RSA 293-A:126, I(f), shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the business organization's records, the commissioner determines that no returns, tax, interest or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement for withdrawal for the purposes required under RSA 293-A:126, I(f).*

III. *A business organization wishing to obtain a statement that it is in good standing with the department of revenue administration shall submit a written request containing the complete corporate name and identification number and accompanied by a non-refundable fee of \$30 to the commissioner of revenue administration. This fee shall be deposited into the general fund. If, after reviewing the business organization's records, the commissioner determines that no returns, tax, interest or penalties for taxes administered by the department are due and unpaid, the commissioner shall prepare a statement of good standing.*

Amend the bill by replacing section 13 with the following:

13 Increased Fees. Amend RSA 131:3-a, II and III, to read as follows:

II. Analyses required by the Safe Drinking Water Act including all of the annual inorganic, organic, radiological, and complete analyses for community public water systems, per source, per year.....[\$100.00] **\$475.00**

III. [Complete] **Standard** analyses for private water supplies [and non-community public water systems].....\$30.00

Amend the bill by replacing section 22 with the following:

22 Fees; Health Care Facilities. RSA 151-C:15, I is repealed and reenacted to read as follows:

I. In addition to any other fees required of it, each acute care hospital, specialty hospital, and nursing home licensed under RSA 151 shall pay an annual administrative fee. The board shall set the fee annually, through rules adopted pursuant to RSA 541-A, at a level which generates an amount not less than the amount of the operating budget component for health services planning and review for the current fiscal year and not more than 125 percent of the amount of such operating budget component for the current fiscal year.

Amend the bill by replacing all after section 26 with the following:

27 Vendor License Fee Increased. Amend RSA 175:3-c, I-IV to read as follows:

I. For a vendor who has not previously sold liquor in this state - [~~\$400~~] **\$600**;

II. For a vendor who sold in this state in the preceding year, less than 1,000 cases of liquor - [~~\$400~~] **\$600**;

III. For a vendor who sold in this state in the preceding year, at least 1,000 cases of liquor but less than 5,000 cases of liquor - [~~\$2,000~~] **\$3,000**;

IV. For a vendor who sold in this state in the preceding year, 5,000 or more cases of liquor - [~~\$4,000~~] **\$6,000**.

28 Liquor Representative License Fee Increased. Amend RSA 175:15 to read as follows:

175:15 Liquor Representative License. A liquor representative's license shall authorize the holder thereof to offer for sale or solicit orders for the sale of any liquor, except wine covered by RSA 178-A, if the vendor of such liquor is the holder of a manufacturer's or vendor's license or certificate. A licensed liquor representative may also employ registered sales agents in accordance with RSA 175:15-a. The annual fee, due on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization, shall be [~~\$100~~] **\$150** for each liquor representative. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

29 Sales Agents; Fee Increased. Amend RSA 175:15-a, II to read as follows:

II. The registration fee for sales agents shall be [~~\$50~~] **\$75**.

30 Manufacturers; Annual License Fee Increased. Amend RSA 178:1 to read as follows:

178:1 Manufacturers. The manufacture of liquor in this state shall be permitted under such regulations as the commission shall determine and under such terms as are not inconsistent with the provisions of the constitution of the United States or the statutes of the United States, but no liquor manufactured in this state by any manufacturer shall be sold or delivered in this state in any manner which is inconsistent with the provisions of this title. Each manufacturer of liquor shall pay an annual license fee of [~~\$1125~~] **\$1,688**.

31 Importer's License Fee Increased. Amend RSA 178:1-a to read as follows:

178:1-a Importers. No person shall import into this state for resale liquor as defined by RSA 175:1 or wine as defined by RSA 178-A:1 unless such person holds an importer's license issued pursuant to the provisions of this chapter. The commission may issue an importer's license to an applicant who possesses a suitable warehouse for product storage and maintains adequate business records readily available for inspection.

tion by the commission. Liquor and wine imported into the state pursuant to the provisions of this chapter shall be sold only to the commission, consistent with applicable statutes, or to out-of-state entities. The fee for the importer's license shall be [~~\$500~~] **\$750** a year.

32 Fees Increased. Amend RSA 178:3-b to read as follows:

178:3-b Fees. The annual fee for each license issued under RSA 178:3-a shall be [~~\$262.50~~] **\$400**.

33 Restaurant Cocktail Lounges; Special License Fee Increased. Amend RSA 178:3-c to read as follows:

178:3-c Restaurant Cocktail Lounges. The commission may issue a special license to any first-class restaurant holding a license issued under RSA 178:3-a to serve liquor and beverages in any room of said restaurant designated by the commission. The commission may extend such special license to include the serving of liquor and beverages on a patio area of said restaurant which is not within direct view of any public way. Liquor and beverages served in such room or on such patio need not be consumed with meals. The commission may also extend such special license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9 o'clock p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In said overflow area, liquor and beverages need not be served with meals as required under RSA 178:3-a. The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the lounge area. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as can show the commission on forms and under rules prescribed by the commission that at least 50 percent of the combined restaurant and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$50,000 shall be exempted from the 50 percent requirement, and the commission may prorate by rules the annual food sale requirements for bona fide seasonal restaurants on this basis. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said restaurant. The fee for such special license shall be [~~\$262.50~~] **\$400** per year.

34 Special Wine License Fee Increased. Amend RSA 178:3-d to read as follows:

178:3-d Special Wine License. The commission may issue a special license to any holder of a permit issued under RSA 181:4. Such special license shall entitle the holder to sell wine and similar vinous liquors or fruit juices containing over 6 percent and not more than 24 percent of alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container, and by the bottle if the cork is drawn. The annual fee for such license shall be [~~\$187.50~~] **\$282**.

35 Ski Areas; License Fee Increased. Amend RSA 178:5-b to read as follows:

178:5-b Ski Areas. The commission may issue a special license to any operator of a ski area or his designee, which area is equipped by at least one of the passenger tramway devices defined in RSA 225-A:2, I(a) through (e) inclusive. Such special license shall permit the licensee to serve liquor and beverages to patrons in such rooms located at the said ski area as may be designated by the commission and only during the hours set by the commission for such service in restaurant cocktail lounges. The commission may grant, regulate, suspend or revoke said special license without affecting any other license or permit which may have been granted by said commission. The fee for any such special license shall be [~~\$787.50~~] **\$1,200** a year.

36 Vessels; Special License Fee Increased. Amend RSA 178:5-c to read as follows:

178:5-c Vessels. The commission may issue a special license to any owner or operator of a passenger vessel operating out of any port of the state. Such special license shall allow the sale of liquor or beverages in any room on such vessel which has been approved by the commission. Prior to receiving a special license, vessels operating within inland waterways shall have an operating certificate from the public utilities commission and vessels operating out of seaports shall be certified and documented by the United States Coast Guard. The fee for such special license shall be [~~\$300~~] **\$600** a year.

37 Bowling Lanes; Special License Fee Increased. Amend RSA 178:5-d to read as follows:

178:5-d Bowling Lanes. The commission may issue a special license to any operator of a bowling center consisting of 6 or more bowling lanes or his designee. Such special license shall permit the licensee to serve liquor and beverages to patrons in such rooms located at the said bowling lanes as may be designated by the commission and only during the hours set by the commission for such service in restaurant cocktail lounges. The commission may grant, regulate, suspend or revoke said special license without affecting any other license or permit which may have been granted by said commission. The fee for any such special license shall be [~~\$562.50~~] **\$1,200**.

38 Race Tracks; Fee Increased. Amend RSA 178:5-e to read as follows:

178:5-e Race Tracks. The commission may issue to any operator of a race track or his designee a special license which shall permit the licensee to serve liquor and beverages to patrons in such rooms or areas as are located within the confines of the track and are approved by the commission and only during the hours set by the commission for such service in restaurant cocktail lounges. Such race track shall be licensed by the state pari-mutuel commission for pari-mutuel betting purposes. Liquor and beverages sold by a licensee under this section need not be consumed with meals, provided, that suitable food services, approved by the commission, are available for patrons. The fee for such special license shall be [~~\$2,250~~] **\$2,400** a year and shall be in lieu of fees for any other type of license or permit issued by the commission. A licensee under this section may sell beverages and liquor on dates other than those on which pari-mutuel betting takes place.

39 Convention Centers; Fee Increased. Amend RSA 178:5-f to read as follows:

178:5-f Convention Centers. The commission may issue a special license to any convention center which has seating accommodations for at least 600 persons. Said special license shall permit the licensee to sell liquor and beverages to persons within the convention center under rules adopted under RSA 541-A by the commission. Liquor and beverages sold and consumed on the premises shall be limited to persons 21 years of age or over. Attendance at such times as liquor or beverages are being sold shall be limited to persons 18 years of age or over except that persons under 18 years of age accompanied by a parent, or guardian 21 years of age or over, may be permitted admission. The determination of what is a convention center is to be within the discretion of the commission subject to the definition in RSA 181:1, XII. The fee for such special license shall be [~~\$1,125~~] **\$2,400** a year.

40 Caterers; Fee Increased. Amend RSA 178:5-g to read as follows:

178:5-g Caterers. The commission may issue a special license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 200 persons or more. Such special license shall permit the licensee to serve liquor and beverages with or without meals to members of a private party in any room of said on-site catering facility designated by the commission. Licenses shall be granted only to

such caterers as the commission, at its discretion, shall approve and then only to such caterers as can show the commission on forms and under rules prescribed by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Said caterers shall notify the commission not less than 5 days in advance of a function specifying date and time when a function is scheduled. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said restaurant. The fee for such special license shall be [\$787.50] **\$1,200** per year.

41 Alpine Slides; Special License Fee Increased. Amend RSA 178:5-h, II to read as follows:

II. The fee for such license shall be [\$562.50] **\$1,200** per year.

42 Off-site Caterers; Fee Increased. Amend RSA 178:5-i to read as follows:

178:5-i Off-site Caterers. The commission may issue a special license to any person holding a license issued under the provisions of RSA 178:3-a, 178:4, 178:5-f, or 178:5-g to conduct an off-site catering business on premises designated in the license application, provided that the premises meets the requirements of the commission. A special license issued under the provisions of this section shall permit the licensee to serve liquor and beverages with or without meals to members of a private party contracting for such service. The fee for such special license shall be [\$500] **\$840** per year.

43 Dining Cars; License Fee Increased. Amend RSA 178:6 to read as follows:

178:6 Dining[-]Cars. The commission may issue a license to any railroad or car corporation operating any cars in which food is served within this state, authorizing the holder thereof to sell in such cars liquor and beverages to be drunk in such cars. RSA 175:14 and 177:3 shall not apply to liquor and beverages so sold. Such license shall be good throughout the state in both license and nonlicense territory, and only one such license shall be required for all cars operated in the state by the same owner. The fee for such license shall be [\$150] **\$225** per year.

44 Clubs; Fees Increased. Amend RSA 178:7 to read as follows:

178:7 Clubs.

I. In towns which have accepted the provisions of RSA 179, the commission may issue licenses to clubs incorporated under the laws of the state or which are affiliated with any national fraternal organization for the sale to members and bona fide guests of liquor by the glass only. The club license fee shall be [\$262.50] **\$440** per annum. A licensee under this section shall sell for convenience and for a reasonable profit to be determined by the commission; and such licensee shall make a sworn return to the commission in such form as the commission in its discretion shall require once each month showing the income from liquor sold and the expenses properly chargeable to that part of the business of the licensee. Provided, however, that the cost of a license as provided herein may be considered as part of the expense of selling liquor.

II. The commission may issue to a club licensed under paragraph I an additional license to set up a separate bar facility to serve alcoholic beverages to private groups in a rental hall approved by the commission. This additional license shall allow the club to hold up to 18 events for a fee of [\$300] **\$450** per year or up to 36 events for a fee of [\$500] **\$750** per year. The club shall be responsible for compliance with the provisions of this title and any rules adopted hereunder during such events. The club shall notify the commission at least 5 days prior to the date of any scheduled private affair which will be serviced by such bar facility. The commission may suspend the

use of such bar facility without affecting the status of any other license in effect on the club premises.

III. Any military social club as provided for in RSA 178:8, I(d) shall pay an annual fee of [\$10] **\$100** to the commission for its license.

45 First Class Ballrooms; Fee Increased. Amend RSA 178:7-a, I to read as follows:

I. The commission may issue a special license to any first class ballroom which has seating accommodations for at least 500 patrons. Said special license shall permit the licensee to sell liquor and beverages to patrons under rules adopted under RSA 541-A by the commission, but only at such times as "live entertainment" is being provided by the licensee. Such "live entertainment" shall consist of not fewer than 3 performers, except that between the hours of 11:00 a.m. and 3:00 p.m., the licensee may limit the number of entertainers to one. Liquor and beverages sold and consumed on the premises shall be limited to persons 21 years of age or over. Attendance at such times as liquor or beverages are being sold shall be limited to persons 18 years of age or over except that persons under 18 years of age accompanied by a parent, or guardian 21 years of age or over, may be permitted admission. The determination of what is a first class ballroom is to be within the discretion of the commission. The fee for such special license shall be [\$1,125] **\$1,200** a year.

46 Function Fee; Fee Increased. Amend RSA 178:7-a, III to read as follows:

III. Any licensee of a first class ballroom may receive a special permit from the commission to close all or part of the ballroom facilities to the public for special social functions at which only bona fide members of a social club or organization or persons who have been invited to a family social function shall be admitted. The commission shall issue a special permit to allow the licensee to sell liquor or beverages to persons attending such social functions if the licensee applies for one at least 5 business days prior to the function and pays a fee of [\$30] **\$45** for each such function. Liquor and beverages sold and consumed on the premises shall be limited to persons 21 years of age or over. Attendance at such times as liquor or beverages are being sold shall be limited to persons 18 years of age or over except that persons under 18 years of age accompanied by a parent, or guardian 21 years of age or over, may be permitted admission. If only part of the ballroom facilities are used for such a function, the licensee may operate the remaining facilities under his license issued under paragraph I.

47 Performing Arts Facility; Fee Increased. Amend RSA 178:7-b to read as follows:

178:7-b Performing Arts Facility. The commission may issue a special license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The special license shall permit the licensee to sell liquor and beverages to patrons in any rooms designated by the commission. The commission may extend such special license to include the selling of liquor and beverages on a patio area of said facility which is not within direct view of any public way. The facility may serve liquor and beverages 1/2 hour before curtain time, 1/2 hour after the final curtain and during intermission of the performance. The fee for the special license shall be [\$225] **\$338**.

48 Nonprofit Organizations; Fee Increased. Amend RSA 178:8-f to read as follows:

178:8-f Rules; Fees. The commission shall adopt such rules as it deems necessary for the administration of RSA 178:8-b through 8-f. The fee for a permit issued pursu-

ant to RSA 178:8-b shall be [\$37.50] **\$56** per day, and the fee for a license issued under said section shall be an additional [\$37.50] **\$56**.

49 Licenses for Druggists; Fee Increased. Amend RSA 178:9 to read as follows:

178:9 Licenses for Druggists. The commission may issue to any retail druggist a license which will entitle him to sell liquor for medicinal purposes upon the prescription of a physician practicing in the state. Such licensee shall keep a record of the liquor so sold on prescription, the quantity and price of the liquor so sold and the name of the physician prescribing the same. The commission may adopt such rules as shall be necessary to carry out the provisions of this section, but may not restrict the time when such liquor may be sold. All liquor purchased by druggists for sale under the provisions of this section shall be purchased from the commission. The fee for the license provided for in this section shall be [\$1.50] **\$2.25** per annum. Said licensee shall purchase from the commission for use in compounding medicines such liquor as may be necessary.

50 Sales Agent; Fee Increased. Amend RSA 178-A:7-a, II to read as follows:

II. The registration fee for sales agents shall be [\$37.50] **\$56**.

51 Wine Fee Increased. Amend RSA 178-A:9 to read as follows:

178-A:9 Fees. The commission shall collect the following fees for the issuance or renewal of any license, certificate, or permit as follows:

I. A retailer's wine license

(a) Single cash register stores - [\$112.50] **\$169**

(b) Two and 3 cash register stores - [\$210] **\$315**

(c) Supermarkets with more than 3 cash registers - [\$337.50] **\$506**

II. A retailer's wine and beverage combination license

(a) Single cash register stores - [\$187.50] **\$281**

(b) Two and 3 cash register stores - [\$300] **\$450**

(c) Supermarkets with more than 3 cash registers - [\$450] **\$675**

III. A manufacturer's wine certificate of approval

(a) For a manufacturer which has not previously sold wine in this state - [\$150] **\$225**

(b) For a manufacturer which sold in this state in the preceding year, less than 1,000 cases of wine - [\$150] **\$225**

(c) For a manufacturer which sold in this state in the preceding year, at least 1,000 cases of wine but less than 5,000 cases of wine - [\$750] **\$1,125**

(d) For a manufacturer which sold in this state in the preceding year, 5,000 or more cases of wine - [\$1,500] **\$2,250**

IV. A vehicle permit - [\$30] **\$45**

V. A carrier's permit - [\$37.50] **\$56**

VI. Solicitor's license - [\$37.50] **\$56**

52 Domestic Wine Manufacturer's License Fee Increased. Amend RSA 178-B:3 to read as follows:

178-B:3 Fee. Notwithstanding the provisions of RSA 178-A:9, each manufacturer of domestic wines shall pay an annual license fee of [\$750] **\$1,125** for the manufacture, sale and distribution of domestic wines within or without the state. Such fee shall be due annually on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. This fee shall be in lieu of all other fees imposed by this title, except as provided in RSA 178-B:5, IV.

53 Alcoholic Beverages; Fair Permit Fees Increased. Amend RSA 181:4-b to read as follows:

181:4-b Fairs. The commission may issue an on-sale permit to any member organization of the New Hampshire fair association provided such member is in good standing of that association. Such permit shall authorize the permittee to sell beverages within the confines of the fair in such areas as are approved by the commission, but only on those dates that the fair shall be in bona fide operation. A separate application shall be made for each location proposed for licensing purposes. The fee for such permit shall be [\$75] **\$112** per annum and shall not be subject to reduced fees as provided for by the provisions of RSA 181:16.

54 Alcoholic Beverages; Permit Fees Increased. Amend RSA 181:16, I to read as follows:

I. The annual fees required for each permit issued pursuant to the provisions of this chapter shall be as follows:

- (a) On-sale permit, [\$262.50] **\$400**.
- (b) Off-sale permit, [\$150] **\$225**.
- (c) Manufacturer's permit, [\$1,125] **\$1,688**.
- (d) Wholesaler's permit, [\$1,125] **\$1,688**.
- (e) Solicitor's permit, [\$15] **\$22.50**.
- (f) Vehicle permit, [\$1.50] **\$2.25**.
- (g) Carrier permit, [\$75] **\$113** plus [\$1.50] **\$2.25** for each vehicle employed in the transportation of alcoholic beverages within the state.
- (h) Vessel permit, [\$75] **\$113** per vessel.
- (i) Dining-car permit, [\$150] **\$225**,, which shall be issued to the railroad corporation.
- (j) Special permit, [\$1.50] **\$2.25**.

55 Special License Fee Increased. Amend RSA 178:4 to read as follows:

178:4 Special License. The commission may issue a special license to any first-class hotel, holding the license and permit provided under RSA 178:3, to serve liquor and beverages in any room of said hotel designated by the commission. The commission may also extend such special license to include the use of a dining area in the restaurant of said hotel, after such area has been closed for serving meals, but not before 9 p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In said overflow area, liquor and beverages need not be served with meals as required under RSA 178:3. The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the lounge area. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which may be granted to said hotel. The fee for such special license shall be [\$262.50] **\$400** a year.

56 License Fees for Hotels and Airport Lounges Increased. Amend RSA 178:5 and 5-a to read as follows:

178:5 Fees for *Hotel Licenses*. The annual fee for each license as provided in RSA 178:3 shall be [\$262.50] **\$400**.

178:5-a Airport Lounges. The commission may issue a special license to the Manchester airport authority, the Lebanon regional airport, the Berlin airport authority, the Laconia airport authority, Concord airport and/or the city of Keene for the Dillant-Hopkins municipal airport or their designees. Said special license shall permit the licensee to serve liquor and beverages in such rooms as may be designated by the commission only to patrons and bona fide guests and during the hours set by the

commission for such service in private clubs, and only, if in said rooms, there shall also be served food and coffee. The commission may grant, regulate, suspend or revoke said special license or licenses without affecting any other license and permit which may be granted by said commission in said airport or airports. The fee for any such special license shall be [\$787.50] **\$1,200** a year.

57 Alcoholic Beverages; Penalty for Failure to Comply with Requirements for Manufacturer and Others Increased. Amend RSA 181:23, IV to read as follows:

IV. The sum of [\$100] **\$150** shall be added to the fees provided under RSA 181:16 and collected by the commission for each failure of a holder of a certificate of approval, manufacturer's permit, wholesaler's permit, or solicitor's permit to comply with the provisions of this section. Determinations of a failure to comply with this section shall be made by the commission.

58 Alcoholic Beverages Manufacturer's and Importer's Certificate of Approval; Fees Increased. Amend RSA 181:28 to read as follows:

181:28 Fee for Certificate. The fee for a certificate of approval of a manufacturer without the state shall be [\$1125] **\$1,688** per annum, and for an importer shall be [\$1125] **\$1,688** per annum for each manufacturer of beverages sold or offered for sale by such importer to any wholesale permittee or permittees for resale within the state. The fee for a certificate of approval shall accompany the application for such certificate.

59 Excellence in Education; Continuing and Additional Programs. 1985, 317:6 is repealed and reenacted to read as follows:

317:6 Excellence in Education Program.

I. The department of education with the help of the steering committee and the action committees shall study how best to continue the following programs:

(a) A program for teacher excellence that shall include activities, such as:

(1) Development of a model state plan to be implemented in 2 phases for enhancement of existing educational resources through use of computer technology.

(2) Local district teacher training in education and computers through higher educational institutions.

(3) Providing technical assistance to local school districts to develop plans for teachers and technology.

(4) Support for selected local districts in implementing local plans.

(5) Evaluating local district plans and subsequent refinement of the model state plan for replication throughout New Hampshire.

(6) Support staff for the governor's steering committee.

(b) A program for curriculum excellence that shall include activities, such as:

(1) Development by exceptional teachers in mathematics and science of a model curricula designed to be transmitted via television to voluntary participating districts.

(2) Developing transmission facilities for transmission of such curricula via television to voluntary participating districts.

(3) Evaluation to determine future direction of the state telecommunication efforts.

(4) Support staff for the governor's steering committee.

II. The department of education with the help of the steering committee and the action committees shall study how best to establish the following programs:

(a) A program for modified magnet schools that shall include activities, such as:

(1) Development of a state model plan to be implemented in 3 phases for regionally-based magnet school programs focusing on math, science and foreign languages, which may include after-school, summer components, or school year day programs.

(2) Support for school districts in planning and development of regionally-based magnet school programs.

(3) Support for selected school districts in the implementation of pilot modified magnet school programs.

(4) Evaluation of the pilot programs and subsequent refinement of the model state plan as needed for replication through New Hampshire and for expansion into other subject areas.

(5) Support staff for the governor's steering committee.

(b) A program for school/business partnerships that shall include activities, such as:

(1) Development of a model state plan to be implemented in 2 phases for the enhancement of educational opportunity at all grade levels through such partnerships.

(2) Support for schools and businesses in planning and development of such partnerships.

(3) Support for selected school/business partnerships in the implementation of pilot plans.

(4) Evaluation of the pilot programs and subsequent refinement of the model state plan as needed for replication throughout New Hampshire and for expansion of business involvement in education.

(5) Support staff for the governor's steering committee.

(c) A program for the enhancement of elementary teacher skills in math and science that shall include activities, such as:

(1) Development of a model state plan to enhance the math and science skills of elementary teachers.

(2) Support for local school districts in planning, developing and encouraging enhancement opportunities in math and science skills for elementary teachers.

(3) Support for selected school districts in the implementation of pilot plans.

(4) Evaluation of the pilot programs and subsequent refinement of the model state plan as needed for replication throughout New Hampshire and for expansion into other subject areas.

60 Report Date Changed. 1985, 317:7 is repealed and reenacted to read as follows:

317:7 Report. The department of education with the aid of the steering committee shall submit a progress report no later than January 1, 1990, to the governor, the senate education committee, and the house education committee. The report shall include progress on the establishment of the programs established in paragraph I of section 6 of this act, recommendations for their continued development, and recommendations for the continued development of the programs outlined in paragraph II of section 6 of this act.

61 Penalty Assessment Increased. RSA 188-F:31, I is repealed and reenacted to read as follows:

I. Every court shall levy a penalty assessment of \$2 or 15 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following compo-

nents, to be designated as follows: 10 percent for the police standards and training council training fund and 2 percent for the victims' assistance fund. The remaining 3 percent shall be collected by the clerk of the court for the benefit of the court modernization fund established under RSA 502-A:37.

62 Distribution of Penalty Assessment. Amend RSA 188-F:31, IV to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund. The clerk shall transmit the [remaining] amount collected under paragraph I *for the victims' assistance fund* to the state treasurer for deposit in [the victims' assistance] *such* fund. *The clerk shall transmit the remaining amount collected under paragraph I to the state treasurer for deposit in the court modernization fund established under RSA 502-A:37.*

63 Abatements to be Within Amounts Appropriated. Amend RSA 219:27 to read as follows:

219:27 State Taxes; Application. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the form upon which towns shall apply to the commissioner for an abatement of the town's portion of its state tax. Any town in which national forest lands and land held by the state for operation and development as state forest land are situated, whether acquired by gift; purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration, on said forms provided by the commissioner, annually, before September 1, for an abatement of its portion of the state tax, to an amount not exceeding 1/2 the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable. No abatement shall be made for lands held by the state for recreational purposes. *In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.*

64 Abatements to be Within Amounts Appropriated. Amend RSA 219:32 to read as follows:

219:32 Loss of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner for payment for lost taxes. In any year in which no state tax is levied, any town in which national forest lands and land held by the state for operation and development as state forest land are situated, whether acquired by gift, devise, purchase or in any other manner, may apply, by its selectmen, to the commissioner on said forms provided by him, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on said lands in such year had said lands been taxable. *In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.*

65 Expenses of Racing Laboratory; Bond of Licensee. Amend RSA 284:18 to read as follows:

284:18 Bond of Licensee. Every person, association, or corporation licensed under the provisions of the preceding sections hereof, shall, before said license is issued, give a bond to the state in such reasonable sum not exceeding \$300,000, as may be fixed by the commission, with a surety or sureties to be approved by the commission, conditioned to faithfully make the payments prescribed hereby, including *the expenses of the racing laboratory and* the compensation of stewards, veterinarians or judges employed by the state of New Hampshire at any race or meet and that such reimbursement shall include the employer's share of old age survivors insurance (OASI) taxes, and to keep its books and records and make reports as herein provided and to conduct its racing in conformity with this chapter and with the rules [and regulations prescribed] *adopted* by the commission.

66 New Sections; Racing Laboratory. Amend RSA 284 by inserting after section 20-d the following new sections:

284:20-e Racing Laboratory Expenses Reimbursed. The expenses of the racing laboratory shall be reimbursed monthly by each licensee based upon the number of analyses performed for the track in the prior month and the costs associated with those analyses. Payments shall be made within 5 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

284:20-f Racing Laboratory Expenses Reported. The expenses of the racing laboratory, together with information on the fees charged and how the fees were computed for each licensee, shall be reported to the fiscal committee of the general court by the pari-mutuel commission on a quarterly basis, beginning September 1, 1989.

67 Fees Increased. Amend RSA 292:5 to read as follows:

292:5 Fees for Recording. The fee for recording the articles of agreement in the office of the secretary of state as required in RSA 292:4 shall be [\$10] **\$25**. The fee for recording any record of amendment in the office of the secretary of state as required in RSA 292:7 shall be [\$10] **\$25**.

68 Fee Increased. Amend RSA 292:25 to read as follows:

292:25 Renewal Required. Every corporation organized under this chapter or by act of the legislature shall, during the calendar year 1990, and every 5 years thereafter, make a return in writing to the secretary of state upon blanks to be furnished by him and shall pay a fee of [\$10] **\$25**. The return shall be signed by the president or other officer of said corporation. The return shall state the corporation's principal address and the names and addresses of all the officers and directors or the governing board of the corporation. Any corporation which does not renew its charter as provided in this subdivision shall have its charter repealed, revoked and annulled; shall lose any right or title to the name under which it was incorporated; and shall be so advised in writing by the secretary of state.

69 Fee Increased. Amend RSA 293-A:134, II to read as follows:

II. A fee of [\$60] **\$75** for filing an annual report of a domestic or foreign corporation; and

70 Fee Increased. Amend RSA 293-A:136, II(a) to read as follows:

(a) When the authorized capital stock does not exceed \$15,000, [\$60] **\$75**.

71 Fee Increased. Amend RSA 293-A:137 to read as follows:

293-A:137 License Fees Payable by Foreign Corporations. The secretary of state shall charge and collect from each foreign corporation a license fee of [\$150] **\$200** at the time of filing an application for a certificate of authority to transact business in this state.

72 Fee Increased. Amend RSA 293-A:139 to read as follows:

293-A:139 Franchise Fees Payable by Foreign Corporations. For the privilege of continuing to exercise its authority to transact business in this state, every foreign corporation authorized to transact business in this state shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee of [~~\$150~~] **\$200**. In no case, however, shall the annual franchise fee be required of any such corporation which on April 1 of any year shall not have been registered to transact business in the state for 6 months.

73 Fee Increased. Amend RSA 293-A:141 to read as follows:

293-A:141 Penalties Imposed. Each corporation, domestic or foreign, that fails or refuses to file its annual report or to pay all associated fees related thereto, or both, for any year within the time prescribed by this chapter shall be subject to an additional fee of [~~\$15~~] **\$25**.

74 Fees Increased. Amend RSA 349:7 to read as follows:

349:7 Record; Fees. There shall be paid to the secretary of state for filing of registration and issuance of certificate of registration a fee of [~~\$40~~] **\$50**. Upon payment of said fee, the secretary of state shall deliver to the person filing and registering such trade name a certificate of registration under his signature and state seal showing the name and address of the person or persons claiming ownership of the trade name, the nature of the business thereby reserved and described and a receipt for the payment of said fee. The fee for renewal of any registration shall be [~~\$40~~] **\$50**. The fee for notice of discontinuance, addition, or withdrawal shall be [~~\$2~~] **\$10**. The secretary shall keep a suitable file or record of all such certificates. He shall prepare blanks for such certificates, and shall, upon request, furnish such blanks to persons, partnerships, or associations.

75 Amount of Funds. Amend RSA 471-C:25 to read as follows:

471-C:25 Deposit of Funds.

I. Except as otherwise provided by this section, the administrator shall promptly deposit in the general fund of this state all funds received under this chapter, including the proceeds from the sale of abandoned property under RSA 471-C:24; provided, however, that in the case of funds which originated from the highway fund or fish and game fund, any such funds received under this chapter shall be deposited in the fund from which they originated. The administrator shall retain in a separate fund an amount [not less than \$50,000 from which] *sufficient to make* prompt payment of claims duly allowed [shall be made by him]. Before making the deposit, the administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the property and the name and last known address of each insured person or annuitant and beneficiary and, with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company, and the amount due. The record must be available for public inspection at all reasonable business hours.

II. Before making any deposit to the credit of the general fund or to the credit of the highway fund or fish and game fund as provided in paragraph I, the administrator may deduct[:

- (a) Any costs in connection with the sale of abandoned property;
- (b) Costs of mailing and publication in connection with any abandoned property;
- (c) Reasonable service charges; and

(d) Costs incurred in examining records of holders of property and in collecting the property from those holders] *any costs incurred in connection with the administration of this chapter; provided, however, that costs incurred in the effectuation of RSA 471-C:30 shall be allowed as set forth in RSA 471-C:30, VI.*

76 Amounts from Out-of-State Holders. Amend 471-C:31, II to read as follows:

II. Following completion of the proceedings specified in RSA 471-C:30, the administrator shall pay or deliver all property escheated under this chapter to the appropriate county treasurer who shall deposit such property in the county treasury; provided, however, that the administrator shall not pay or deliver the income earned from the working capital fund *or any amounts received from out-of-state holders* to the counties.

77 New Section; Annual Registration Fee for Dams. Amend RSA 482 by inserting after section 2-d the following new section:

482:2-e Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on the anniversary of an existing registration. In instances where a new registration is made, the anniversary fee shall be due on September 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA 482:11. Yearly dam registration fees based on the following dam classification shall be as follows: Class AA = \$10; Class A = \$25; Class B = \$100; Class C = \$150. Revenues from this annual registration are to be collected by the division and used to reduce and offset general fund expenditures for the dam safety section of the water resources bureau.

78 Excavation and Dredging Permit; Certain Exemptions. Amend RSA 483-A:1, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without written notice of his intention to construct, excavate, remove, fill or dredge to the wetlands board. The notice shall be sent to the wetlands board and shall be accompanied by a filing fee. The filing fee shall be [\$10] **\$25** for minimum impact projects, [\$25] **\$100** for minor projects, and [\$100] **\$300** for major projects. At the time of filing with the wetlands board, said person shall also file 3 copies of the notice, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk. The town or city clerk shall immediately send a copy of the notice to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the notice shall be made reasonably accessible to the public.

79 Plumbers; License Fees. Amend RSA 489-B:7 to read as follows:

489-B:7 Plumbers Exempted. This chapter shall not restrict a plumber from engaging in the trade for which he has been licensed if such plumber holds a pump installer's license. No examination [and no fee] shall be required for a person who is both a resident of this state and a plumber licensed under RSA 329-A.

80 Filing Fee Increased. Amend RSA 498-A:16-a to read as follows:

498-A:16-a Filing Fee. The condemnor shall pay a fee of [\$50] **\$100** for each condemnation proceeding brought before the board. The filing fees collected under this chapter shall be deposited [in the following manner: 90 percent of each fee to the highway fund and the remaining 10 percent] to the general fund.

81 Fee Increased. Amend RSA 510:4, II to read as follows:

II. Service of Process on Secretary of State. Service of process upon any person who is subject to the jurisdiction of this state, as provided in this section, may be made by leaving a copy thereof, with a fee of [\$3] **\$10**, in the hands or office of the secretary of state. Such service shall be of the same legal force and effect as if served on the defendant at his abode or place of business in the state or country where he resides and according to the law of that state or country, provided that notice thereof and a copy of the process is forthwith sent by registered mail, postage prepaid, by the plaintiff or his attorney to the defendant at his last known abode or place of business in the state or country in which the defendant resides. The defendant's return receipt and an affidavit of the plaintiff or his attorney of compliance with the section shall be appended to the process and entered therewith. In the event that the notice and a copy of the process are not delivered to or accepted by the defendant, the court may order such additional notice, if any, as justice may require.

82 New Subdivision; Court Modernization Fund. Amend RSA 502-A by inserting after section 36 the following new section:

Court Modernization Fund

502-A:37 Court Modernization Fund.

I. There is established in the state treasury a separate fund to be known as the court modernization fund. The supreme court shall use moneys in the fund for the development and upgrading of the judicial branch. The state treasurer shall pay from the fund expenses incurred by the supreme court for the purposes of this subdivision.

II. The fund shall be established as of July 1, 1989. No later than July 1, 1993, the administrative office of the courts shall prepare a report to present to the fiscal committee of the general court. The report shall contain a review of the use of the court modernization fund. The fiscal committee shall, following receipt of the report, make its recommendations concerning the continuance or modification of the court modernization fund provided for in this section to the general court no later than December 1, 1993.

III. The fund created in this section shall lapse on June 30, 1994, to the general fund.

83 New Subparagraph; Court Modernization Fund. Amend RSA 6:12, I by inserting after subparagraph (aa) the following new subparagraph:

(bb) The assessments collected under RSA 188-F:31 for the court modernization fund, which shall be credited to the court modernization fund established in RSA 502-A:37.

84 New Paragraph; Review of Fund. Amend RSA 21-M:8-e by inserting after paragraph III the following new paragraphs:

IV. No later than July 1, 1993, the department of justice shall prepare a report to present to the fiscal committee of the general court. The report shall contain a review of the use of the money in the victims' assistance fund. The fiscal committee shall, following receipt of the report, make its recommendations concerning the continuance or modification of the victims' assistance fund provided for in this section to the general court no later than December 1, 1993.

V. The fund created in RSA 6:12, I(aa) shall lapse on June 30, 1994, to the general fund.

85 Repeal. The following are repealed:

I. RSA 6:12, I(aa), relative to the victims' assistance fund.

II. RSA 6:12, I(bb), relative to court modernization fund.

III. RSA 21-M:8-e, relative to the administration of the victims' assistance fund.

IV. RSA 502-A:37, relative to the court modernization fund.

86 Penalty Assessment Decreased. RSA 188-F:31, I is repealed and reenacted to read as follows:

I. Every court shall levy a penalty assessment of \$2 or 10 percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be designated for the police standards and training council training fund.

87 Distribution of Penalty Assessment. RSA 188-F:31, IV is repealed and reenacted to read as follows:

IV. The clerk of each court shall collect all penalty assessments and shall transmit the amount collected under paragraph I designated for the police standards and training council training fund to the police standards and training council. The council shall pay over all moneys collected by it under this chapter to the state treasurer for deposit in the police standards and training council training fund.

88 Extension of Authority; Name Change; Authority to Transfer. Notwithstanding any other provision of law, including the provisions of RSA 99:4 and RSA 9:17-a through 17-c or any general transfer authority for departments as defined in RSA 9:1 provided in the general appropriations bill or other law, until June 30, 1990, the commissioner of health and human services is hereby authorized, with the prior approval of the governor and council, to make such transfers within the department's program appropriation unit including its components, subcomponents, and classes within the department of health and human services, division of mental health and developmental services, including division of mental health and developmental services central office, Laconia developmental services, New Hampshire hospital, and Glenclyff home for the elderly, as he shall deem necessary or appropriate to most effectively meet the priorities and goals of the mental health and developmental services system, and the provisions of RSA 99:4 and RSA 9:17-c shall not apply to such program appropriation unit.

89 Mental Health and Developmental Services Study Committee Established. A mental health and developmental services study committee consisting of members of the house appropriations committee and the senate finance committee is hereby established to study the redeployment of clients from Laconia developmental services; the issue of area agency franchises; and the transfer authority granted under section 88 of this act. The chairpersons of the house appropriations committee and the senate finance committee shall appoint the members of the committee. The committee shall submit a report on its findings, including recommendations for legislation, if any, to the speaker of the house, the senate president, and the governor on or before October 1, 1989.

90 Purpose of Data Processing Study Committee. The general court finds that, because departmental data processing operations are substantially out of control, uncoordinated, and duplicative, it is in the best interest of the state of New Hampshire to establish a data processing and computer management study committee to completely review the various types, functions, and data processing programs currently utilized by the various state departments.

91 Study Committee Established. There is established a data processing and computer management study committee to be composed of the following members:

I. Two members of the house of representatives appointed by the speaker of the house.

II. Two members of the senate appointed by the president of the senate.

III. The commissioner of the department of administrative services, who shall serve as chairman.

IV. Two persons who have broad knowledge of data processing operations and have exhibited a substantial level of professional competency in the field, appointed by the governor.

92 Duties. The study committee shall:

I. Review existing statutory and administrative authorizations regarding data processing requirements for all state agencies.

II. Review the operation objectives and each major data processing function of all state agencies including, but not limited to, interrelationships and necessary coordination both in terms of hardware and software selection and utilization criteria.

III. Prepare both a short-range and long-range data processing plan for each major functional unit of government, including the necessary legislation for implementation of the program. The plan shall include a management scheme which shall insure executive oversight and supervision.

IV. Study other matters related to data processing functions, as the committee may determine.

93 Staff Assistance. Any employees of any executive branch agency may be assigned to the study committee, after consultation with the department head involved. While so assigned, such employees shall be responsible to the study committee, provided that any employees so assigned shall continue to receive the compensation provided pursuant to law from their regular employment and retain all the rights and privileges of such employment without interruption.

94 Report. The study committee shall submit a comprehensive report with its recommendations to the governor, senate president, and speaker of the house on or before December 31, 1989, covering detailed operational procedures, hardware and software acquisition criteria, and any proposed legislation necessary to fully implement its recommendations.

95 Termination Date. The data processing and computer management study committee shall cease to exist on February 1, 1990.

96 Appropriation. The sum of \$100,000 is appropriated to the data processing and computer management study committee for the fiscal year ending June 30, 1990, for the purpose of engaging expert consultants to assist the committee in the performance of its duties under section 92 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

97 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

98 Effective Date.

I. Sections 59-60, 82-84, 88, and 96 of this act shall take effect July 1, 1989.

II. Sections 90-94 of this act shall take effect upon its passage.

III. Sections 85-87 of this act shall take effect July 1, 1994.

IV. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill raises certain permit, filing and licensing fees charged by various state agencies.

The bill imposes certain new fees to be charged by the department of environmental services and other state agencies.

The bill establishes a legislative oversight committee on data processing.

The bill establishes a data processing and computer management study committee and a mental health and developmental services study committee.

The bill increases penalty assessments charged by the courts and directs a percentage of such assessments to be deposited in a court modernization fund. The supreme court may use moneys in the fund for the development and upgrading of the judicial branch. The administrative office of the courts and the fiscal committee are to review the fund in 1993. The fund is created as of July 1, 1989, and lapses on June 30, 1994.

The bill requires a review of the victims' assistance fund by the department of justice and the fiscal committee in 1993. The fund lapses on June 30, 1994.

The bill makes other miscellaneous changes in state funds and accounts.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the House to consider reports from the Committee on Appropriations on HB 398, relative to the return of revenue to cities and towns; HB 208, increasing the amount of the contribution to municipalities from the general fund by \$20,000,000 for fiscal year 1990; and HB 777, appropriating funds for additional basic needs for the fiscal years ending June 30, 1990 and June 30, 1991, without the required notice in the Calendar.

Adopted by the necessary two-thirds.

HB 208-FN-A, increasing the amount of the contribution to municipalities from the general fund by \$20,000,000 for fiscal year 1990. Inexpedient to Legislate.

The subject matter is covered by HB 398-FN-A, as amended. Vote 22-0. Rep. William F. Kidder for Appropriations.

Resolution adopted.

HB 398-FN-A, relative to the return of revenue to cities and towns. Ought to Pass with Amendment.

This is the same revenue sharing bill that this House has passed before. The amendment changes the formula calculation so that accurate numbers are available as the budget is written each biennium. It also changes the effective date to 1990 and appropriates the \$246,936 necessary to fund the bill. The Committee unanimously supports acknowledging the obligation of the state to share revenues with the cities and towns. Vote 22-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the return of revenue to cities and towns
and making appropriations therefor.

Amend the bill by replacing section 2 with the following:

2 Determination of Amounts Returnable . RSA 31-A:4 is repealed and reenacted to read as follows:

31-A:4 Determination of Amounts Returnable.

I. The state treasurer shall distribute to the cities and towns each year an amount equal to the amount distributed in the prior year which shall be increased or decreased by an amount equal to 1/2 of the percentage change in state general fund revenues between the fiscal year 4 years prior to the year of distribution and the fiscal year 3 years prior to the year of distribution.

II. In no event shall the amount to be distributed be less than \$51,444,966 nor shall any increase in one year exceed 8 percent of the prior year's distribution.

Amend the bill by replacing section 6 with the following:

6 Application. The first distribution under this act shall take place during fiscal year 1991.

7 Supplemental Appropriation. In addition to any other sums appropriated for the purposes of this act, the sum of \$246,936 is hereby appropriated to the state treasurer for the fiscal year ending June 30, 1991, for distribution in accordance with this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill creates the state-municipal revenue sharing program, to replace the current provisions of RSA 31-A. This bill provides that the state treasurer shall distribute to the cities and towns each year an amount equal to the amount distributed in the prior year, which shall be increased or decreased by an amount equal to 1/2 of the percentage change in state general fund revenues between the fiscal year 3 years prior to the year of distribution, and the fiscal year 4 years prior to the year of distribution. This bill provides that the total amount to be distributed by the state treasurer shall not be less than \$51,444,966 and that no increase in one year shall exceed 8 percent of the prior year's distribution. This bill sets the time for payment of such revenues as well as the formula for their distribution.

This bill appropriates sums sufficient to make the payments required by its provisions, and makes a supplemental appropriation for fiscal year 1991.

The first distribution under the provisions of the bill takes place during fiscal year 1991.

Amendment adopted.

Ordered to third reading.

HB 777-A, appropriating funds for additional basic needs for the fiscal years ending June 30, 1990, and June 30, 1991. Inexpedient to Legislate.

This bill was the minimum basic needs budget which has since been folded into HB 200-A. It is thus no longer needed. Vote 22-0. Rep. William F. Kidder for Appropriations.

Resolution adopted.

SB 36-FN-A, relative to catastrophic costs and school building aid. Ought to Pass with Amendment.

The Committee agreed with the Department of Education that some penalties should be attached for those governing bodies or cities or school districts that fail to

submit standard financial reports on a timely basis. The bill further reaffirms that distribution of state aid to school districts should be done on a pro rata basis as an entitlement as per the intention of the original legislation. Vote 16-0. Rep. Robert H. Guest for Education.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the pro rata appropriation of catastrophic aid, school building aid, and submitting municipal financial reports to the commission of education.

Amend the bill by replacing section 1 with the following:

1 Catastrophic Aid Costs Distributed on Pro Rata Basis. Amend RSA 186-C:18, III to read as follows:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner, *department of education*, shall distribute aid available under this paragraph *as entitlement* to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution. [The amount to be distributed to a school district under this paragraph shall be determined through the following formula:

$$\begin{array}{rcl}
 \text{(a) } \frac{\text{State equalized valuation per pupil}^2}{\text{District equalized valuation per pupil}} & \times & \\
 \frac{\text{Cost of catastrophic aid}}{\text{students in district}} & = & \text{District catastrophic aid factor} \\
 \\
 \text{(b) } \frac{\text{District catastrophic aid factor}}{\text{State catastrophic aid factor}} & \times & \\
 \frac{\text{Catastrophic aid}}{\text{appropriation}} & = & \text{District catastrophic aid share] }
 \end{array}$$

If in any year, the amount appropriated for distribution as catastrophic aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant; provided that the amount of catastrophic aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formula established in paragraph II. [The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution which must be exceeded to be eligible for aid under this paragraph and any sums in excess of such expenditure limit.] The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those

school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped children, it shall not receive catastrophic funds for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

Amend the bill by replacing section 4 with the following:

4 New Sections; Municipal Financial Reports. Amend RSA 198 by inserting after section 4-c the following new sections:

198:4-d Reports Required. The governing body of each city, town, unorganized town, unincorporated place, school district, and village district shall submit to the commissioner of the department of education the following reports. The commissioner shall adopt rules under RSA 541-A establishing the form and content of these reports:

I. A report filed by the governing body of each city, town, unorganized town, and unincorporated place, shall certify the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates. This report shall be filed by September 1 of each year, unless this filing date is extended by the commissioner for just cause.

II. A report filed by the governing body of each city, town, unorganized town, unincorporated place, school district, and village district shall certify the appropriations voted by the meeting of the appropriate legislative body, whether city or town council, mayor and council, or mayor and board of aldermen, at each annual or special town, school district, or village district meeting, along with estimated revenues. This report shall be filed within 20 days of the close of the meeting.

III. A report filed by the governing body of each city, town, school district, and village district shall revise all the estimated revenues for the year. This report shall be filed by September 1 of each year.

IV. The minutes of the appropriate legislative body, whether city or town council, mayor and council, or mayor and board of alderman, at which appropriations are voted or rescinded, and each annual and special town, school district, and village district meeting shall be certified by the clerk. Such minutes shall be filed within 20 days of the date of the close of the meeting of the appropriate legislative body at which appropriations are voted or rescinded.

V. A financial report for each city, town, school district, and village district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before April 1 if the municipality keeps its accounts on a calendar year basis, or on or before September 1 if the municipality keeps its accounts on an optional fiscal year basis pursuant to RSA 31:94-a. School districts shall submit financial reports on or before September 1 of each year.

VI. The governing body of the town, school district, or village district, or the budget committee in towns operating under the municipal budget law, shall file the budget within 20 days of the close of the annual or special meeting.

VII. If a special town, school district, or village district meeting is held, the governing body shall submit, within 20 days of the close of the special meeting, a copy of the petition to superior court requesting permission to hold a special meeting and a copy of the decree from the superior court granting permission to hold a special meeting.

VIII. The governing body of the town, school district, or village district shall file, within 20 days of the close of the annual or special meeting, a copy of the warrant posted for the annual or special meeting.

IX. The governing body of the town shall file, within 20 days of the close of the annual meeting, a copy of the annual town report.

X. If a city, town, school district, or village district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III.

198:4-e Penalty for Failure to File Report. The governing body of each city, town, unorganized town, and unincorporated place shall have a 30 day grace period if it fails to file the report due under RSA 198:4-d, I by September 1. At the end of 30 days the commissioner of the department of education shall notify the governing body that all state aid to education for the upcoming fiscal year shall be withheld until the report is filed.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the law relative to distribution of state aid to school districts as entitlement for the purpose of meeting catastrophic cost increases in their special education programs by requiring that the appropriation be distributed on a pro rata basis. Under current law, catastrophic aid is distributed under an equalizing formula in order to determine what amounts are to be distributed to each district.

The bill also requires the governing body of each city, town, unorganized town, unincorporated place, school district, and village district to file certain financial reports with the commissioner of the department of education.

Amendment adopted.

Referred to Appropriations.

SB 49-FN-A, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program. Ought to Pass.

The Committee voted unanimously Ought to Pass on the basis of the need for additional statistical data that is relevant to other legislation, such as issues of hours of work for school children or school dropouts. The Department of Education believes that it can negotiate the questionnaire contract with no further funds required. Vote 15-0. Rep. Robert H. Guest for Education.

Ordered to third reading.

SB 135-FN, relative to student literacy. Ought to Pass.

The bill, as amended by the Senate, delays the implementation date of the dropout guidelines established last session in SB 334 due to lack of funding in the current budget. The date change is from July 1, 1989 to July 1, 1991. This will prevent direct costs being passed on to the local school districts at this time. The bill also removes

conflicts in existing laws that surfaced because of the passage of SB 334. Vote 13-4. Rep. Dennis R. Bolduc for Education.

Ordered to third reading.

SB 169-FN, creating a committee to study school tax rates. Inexpedient to Legislate.

The subject matter in this bill will be studied under the study committee formed on House Bill 583. Vote 16-0. Rep. Kathleen M. Hoelzel for Education.

Resolution adopted.

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor. Ought to Pass.

Somersworth does not now have an exit to the Spaulding Turnpike. This access is long overdue and is essential for the economic viability of the city and ensures its future as a decent place to live. Vote 12-5. Rep. Roland A. Frechette for Public Works.

Referred to Appropriations.

SB 61-FN-A, relative to preserving the old state house and making an appropriation therefor. Ought to Pass.

The old state house at Portsmouth is one of only five original ones left in the United States. It is on land owned by Strawberry Banke and they want it removed to make room for their own needs. The appropriation is for \$10,000 and the bill calls for the state Historical Resources Division to oversee the dismantling by state employees. Fiscal Note calls for state expenditures of \$10,000 in FY90. Vote 15-2. Rep. James D. Phelps for Public Works.

Referred to Appropriations.

SB 158-FN, relative to the sale of a manufactured housing park. Ought to Pass.

This is a fine bill, however, it does not go far enough to protect the one in 11 families in New Hampshire living in mobile home parks. Our seniors in mobile home parks must be protected. This bill is a step in the right direction, but should be more restrictive on the owners. Vote 10-5. Rep. Lowell D. Apple for State Institutions and Housing.

Ordered to third reading.

Senate President William Bartlett and his excellency, Governor Judd Gregg, joined the House of Representatives for the purpose of presenting a Resolution honoring Costas Tentas, Chairman of the Liquor Commission, upon his retirement.

Mr. Costas addressed the House briefly.

HB 103-FN, relative to motor vehicle laws. (A) Ought to Pass with Amendment.

This bill raises motor vehicle fines in general and driver's license, title and registration fees in particular. With the amendment presented by the Department of Safety, the bill will raise \$13,982,320 in additional highway funds for the next biennium. There was no opposition at the hearing. Vote 17-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing section 26 with the following:

26 Registration Fees Increased. Amend RSA 261:141, III(g) and (h) to read as follows:

(g) For all motor vehicles other than those in RSA 261:141, I:

0-3000 lbs.	[\$16.80] \$19.20 ([\$1.40] \$1.60 per month)
3001-5000 lbs.	[\$28.80] \$31.20 ([\$2.40] \$2.60 per month)
5001-8000 lbs.	[\$40.80] \$43.20 ([\$3.40] \$3.60 per month)
8001-73,280 lbs.	[\$.74] \$.84 per hundred lbs. gross weight.

(h) Truck-tractors to be used in conjunction with a semi-trailer, gross weight shall include the weight of such tractors, the weight of the heaviest semi-trailer to be used therewith, and the weight of the maximum load to be carried thereby: up to 73,280 pounds - [\$.74] **\$.84** per 100 pounds gross weight, over 73,280 pounds - [\$1.32] **\$1.44** shall be charged for each 100 pounds gross weight or portion thereof in excess of 73,280 pounds.

27 Effective Date.

I. Section 24 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill was requested by the department of safety. The bill makes the following changes in the motor vehicle statutes:

- (1) Specifies when motorcycles and antique cars are to be inspected.
- (2) Increases driver license fees from \$20 to \$30.
- (3) Increases the annual fee paid by inspection stations from \$15 to \$25.
- (4) Increases title and salvage certificate of title fees.
- (5) Allows the holder of a motorcycle learner's permit to drive a motorcycle on any way between sunrise and sunset.
- (6) Allows an inspection sticker to be valid for the same period for which the car can be registered, up to 16 months.
- (7) Allows only one 20-day registration for a car purchased out-of-state to be issued during any one calendar year.
- (8) Requires wholesale dealers to provide a bond or equivalent proof of financial responsibility.
- (9) Authorizes the revocation of dealer bond appointments for good cause.
- (10) Amends the information required for a certificate of title and the information which must be included in duplicate certificates.
- (11) Exempts implements of animal husbandry from permit and registration requirements.
- (12) Amends certain time requirements for reporting accidents and beginning adjudicative proceedings.
- (13) Repeals required reports on motor fuel delivered for use in boats.
- (14) Requires drivers using an entrance ramp onto a highway to yield to traffic whether or not there is a yield sign.
- (15) Includes buses owned by religious and nonprofit organizations for special drivers' license, driving rules, and inspection requirement purposes.
- (16) Amends the definition of and lighting required for wreckers.
- (17) Increases the fee charged for issuing certificates of title from \$1 to \$2.
- (18) Adds an exception for emissions inspections.
- (19) Requires vehicles which carry junk motor vehicles to cover the load with a tarp or similar covering.

(20) Raises registration fees for certain motor vehicles.

Rep. Betty Hall spoke to the amendment.

Rep. Jacobson spoke to the bill.

(Deputy Speaker Burns in the Chair)

Rep. Gross spoke to the committee amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker in the Chair)

YEAS 241

NAYS 103

YEAS 241

BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Chandler, Gene G.
MacDonald, Kenneth J.
Wiggin, Allen R.

Daly, Robert J., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Blacketor, Paul G.
Doucette, Richard F.
Grodin, Richard A.
Laurent, John J.
Miller, Jeffrey C.
Spear, Susan S.

Crutchley, Donald O.
Foster, Katherine D.
Hunt, John B.
Matson, William R.
Pearson, Gertrude B.

Delano, Robert F.
Gordon, Irvin H.
LaMar, David M.
Metzger, Katherine H.
Sawyer, Alfred P.

COOS

Buckley, C. Fitzgerald, III
Kilbride, Dennis J.
Nelson, Harold D.

Burns, Harold W.
Marsh, Beaton

Horton, Lynn C.
Mayhew, Josephine

GRAFTON

Adams, Carl S.
Brown, Channing T.
Densmore, Edward D.
LaMott, Paul I.
Shackett, Ralph E.
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Chambers, Mary P.
Driscoll, William J.
Rose, William B.
Stewart, Roger
Ward, Kathleen W.

Bennett, Shirley M.
Christy, C. Dana
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Cowenhoven, Garret P.
Dodge, Emma M.
Dube, Ellen C.
Fields, Dennis H.
Frank, Nancy G.
Gureckis, Adam C., Sr.

Alukonis, David J.
Bicknell, Robert C.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dyer, Merton S.
Foote, Herbert N., Sr.
Goulet, Maurice E.
Harlan, Susan N.

Amidon, Eleanor H.
Bourque, Ann J.
Desrosiers, William J.
Donovan, Francis X.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Guilbert, Lionel
Hatch, William H.

Healy, Daniel J.
 Jasper, Shawn N.
 Kelley, Robert N.
 Kurk, Neal M.
 Long, Linda D.
 McCann, Bonnie Lou
 McRae, Karen
 Nardi, Theodora P.
 Perham, Lester R.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Turgeon, Roland M.
 Young, Willard N.

Holden, Carol H.
 Jean, Romeo W.
 Knight, Alice Tirrell
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McDowell, James E.
 Messier, Irene M.
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Upton, Barbara A.

Hultgren, David D.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lefebvre, Roland J.
 Mason, Howard F.
 McNerney, Daniel P.
 Murphy, Robert E.
 Packard, Bonnie B.
 Record, Alice B.
 Sallada, Roland A.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
 Beaton, Nancy C.
 Daneault, Gabriel
 Fillion, Paul R.
 Hager, Elizabeth
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 Teague, Bert
 West, George M.

Apple, Lowell D.
 Boucher, Laurent J.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hall, Douglas E.
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Smith, Gerald R.
 Tolpin, Richard W.

Bardsley, Elizabeth S.
 Braiterman, Thea G.
 Fair, Patricia A.
 Gross, Caroline L.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene E.
 Provencal, Leo A.
 Stio, Peter M.
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Drake, Herbert R.
 Flanders, John W., Sr.
 Hoar, John, Jr.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Raynowska, Bernard J.
 Schmidtchen, Rowland
 Simon, Peter M.
 Stachowske, Vicki
 Vartanian, Elsie
 Wright, David B.

Bell, Juanita L.
 Boucher, William P.
 Conroy, Janet M.
 Fesh, Robert M.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 McCain, William F.
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna P.
 Warburton, Calvin

Benton, Richardson D.
 Bucu, Stephen W.
 Cote, Patricia L.
 Flanders, Harry E.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Popov, Elizabeth M.
 Sanderson, Patricia O.
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Wells, Henry E.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Flynn, Edward J.

Bernard, Mary E.
 Dionne, Albert J.
 Foss, Patricia H.

Bickford, Drucilla
 Flynn, Anita A.
 Frechette, Roland A.

Keans, Sandra B.
 Martling, W. Kent
 Scharff, Thomas E.
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Kinney, Paula J.
 Parks, Joe B.
 Spencer, Leo J.
 Swope, Warren L.

Marston, Robert E.
 Pelley, Janet R.
 Stewart, Glenn W.
 Torr, Ann M.

SULLIVAN

Behrens, Thomas A.
 Krueger, Richard H.
 Schotanus, Merle W.

Flint, Gordon B.
 Peyron, Fredrik
 Stamatakis, Carol M.

Hinrichsen, Keith L.
 Rodeschin, Beverly T.

NAYS 103

BELKNAP

Golden, Paul A.

Locke, Matthew J.

Maviglio, Steven R.

CARROLL

Dickinson, Howard C., Jr.

Dodge, Arthur G., Jr.

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
 Hill, Douglas E.

Cole, Kenneth A.
 Pratt, Irene A.

Cole, Stacey W.

COOS

Brungot, Catherine V.
 Merrill, Gerald P.
 Woodburn, Jeffrey R.

Dumont, Robert E.
 Oleson, Otto H.

Guay, Lawrence J.
 Theriault, Romeo J.

GRAFTON

Arnesen, Deborah L.
 Guest, Robert H.
 Nordgren, Sharon L.

Copenhaver, Marion L.
 Larson, Nils H., Jr.
 Teschner, Douglass P.

Dow, David O.
 Markley, J. Keith

HILLSBOROUGH

Baldizar, Barbara J.
 Boucher, Lionel R.
 Cox, Gladys M.
 Drolet, Paul L., Jr.
 Gagnon, Gabrielle V.
 Hall, Betty B.
 Johnson, Lionel W.
 Lozeau, Donnalee M.
 Pappas, Toni
 Reidy, Frank J.
 Tyree, Paul M.

Barry, Janet G.
 Bowers, Dorothy C.
 Desrochers, Gerard T.
 Dwyer, Patricia R.
 Genest, Fernand A.
 Hunter, Bruce F.
 King, John A.
 McCarthy, Daniel M.
 Pepino, Leo P.
 Rodgers, G. Philip
 Wheeler, David K.

Beaupre, Roland O.
 Burkush, Peter A.
 Drabinowicz, A. Theresa
 Elliott, Larry G.
 Green, Scott E.
 Jenkins, Mary
 Lawrence, Norman B.
 Morrisette, Roland A.
 Provost, Gilles R.
 Soucy, Lillian E.
 Wright, George W.

MERRIMACK

Barberia, Richard A.

Jacobson, Alf E.

Trombly, Rick A.

ROCKINGHAM

Brown, Jeffrey M.
 Caswell, Albert, Jr.
 Dube, LeRoy S.
 Forsythe, Douglas G.
 Klemarczyk, Thaddeus E.
 McGovern, Cynthia A.
 Rosencrantz, James R.
 Vaughn, Charles L.

Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Flanagan, Natalie S.
 Gage, Beverly A.
 MacKinnon, Nancy W.
 Micklon, Stephanie K.
 Senter, Marilyn P.
 Weddle, Michael R.

Campbell, Eunice M.
 Cooke, Annette M.
 Ford, Bert H.
 Kane, Cecelia D.
 Mace, Ada L.
 Palazzo, Frank J., Sr.
 Splaine, John E., Sr.
 Welch, David A.

STRAFFORD

Brown, Julie M.
Lachance, Douglas A.
O'Brien, John
Wall, Janet G.

Gilmore, Gary R.
McCann, William H., Jr.
Tsiros, William
Young, John B.

Kincaid, William K.
Merrill, Amanda A.
Vincent, Francis C.

SULLIVAN

Brodeur, Robert J.
Harland, Jane A.

Burling, Peter Hoe
MacAskill, Kenneth M.

Domini, Irene C.
Middleton, John A.

and the amendment was adopted.

Question now being ordering HB 103 to third reading.

On a voice vote, the Speaker was in doubt and called for a division.

244 members having voted in the affirmative and 100 in the negative, HB 103 was ordered to third reading.

HB 350-FN, relative to the unclassified personnel system and making an appropriation for a consultant fee. (A) Ought to Pass with Amendment.

This bill provides a new personnel system for unclassified state employees which is badly needed due to reorganization and sheer passage of time. The amendment is based on the consultant report as presented to the Task Force and on consideration of the policy recommendations made by Executive Departments and Administration Committee. As amended the bill:

1. enacts the recommendations of the consultant and corrects errors and omissions in its report;
2. accepts Executive Departments and Administration Committee's recommendations that the positions of Assistant Secretary of State and Bank Commissioner be upgraded one step;
3. makes adjustments to the Executive Departments and Administration Committee's changes by making the corresponding one step upgrades for the positions of Assistant Treasurer and Insurance Commissioner;
4. upgrades the Director of Police Standards and Training to be the equivalent of the other presidents of the New Hampshire Vocational- Technical Colleges and upgrades State Veterinarian one step;
5. substitutes current practice for the Executive Departments and Administration Committee's suggestion that a new committee consider upgrades in interim sessions;
6. grandfathers all current unclassified employees so that no individual currently employed will have any reduction in salary. Vote 21-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Salaries Consolidated and Established. RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on July 1, 1989:

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
A	\$20,625	\$24,056	\$27,487	\$30,918	\$34,349

Director, veterans' council

814

HOUSE JOURNAL APRIL 13, 1989

Executive director, real estate commission
Executive assistant, adult parole board
Criminal justice investigators
Consumer protection investigators
Multistate auditors

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
B	\$27,472	\$30,052	\$32,633	\$35,213	\$37,794

Assistant secretary of state
Assistant to the commissioner of the department of resources and economic development
Education and training officer
Director, division of agricultural development
Executive director, postsecondary education commission
Senior industrial agents

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
C	\$30,922	\$33,497	\$36,072	\$38,647	\$41,222

Assistant state treasurer
Director of administration, department of corrections
Executive director, governor's commission for the handicapped
Director, division of the arts
Director, division of historical resources
Coordinator of highway safety
Field audit team leader
Manager, planning and support, division of information services
State archivist

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
D	\$34,353	\$36,928	\$39,503	\$42,078	\$44,653

State veterinarian
Board of tax and land appeals, members
Deputy labor commissioner
Director, port authority
Unit director (non-medical), New Hampshire hospital
Unit director (non-medical), secure psychiatric unit
Assistant attorneys-general
Director, office of alcohol and drug abuse prevention
Executive secretary, N.H. retirement system
Counsel, department of employment security
Counsel, public utilities commission
Director of aeronautics
Director, charitable trusts
Audit team leader
Deputy director, division of information services
Director, economic development

Internal auditor
Senior operational analyst

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
E	\$37,795	\$40,370	\$42,945	\$45,519	\$48,094

Superintendent, Glencliff home
Commandant, veterans' home
Assistant superintendent for administration and support, Laconia developmental services
Assistant superintendent, New Hampshire hospital
Commissioner of agriculture
Director, division of vocational rehabilitation
Director, division of elderly and adult services, department of health and human services
Director, division of air resources
Executive director, fish and game
Executive director, land conservation investment program
Director, forests and lands
Director, parks and recreation
Director, field services
Director, standards and certification
Assistant director, audit division
General counsel, department of employment security
Deputy bank commissioner
Manager of employee relations
Financial data manager
Director of safety services
Director of enforcement, department of safety
State fire marshal
Director, returns processing, revenue administration
Deputy secretary of state
Deputy treasurers
Deputy insurance commissioner
Assistant insurance commissioner
Director, insurance examination
Chief investigator, office of securities regulation
Administrator of the office of securities services, office of securities regulation
Administrator of the bureau of securities filings, office of securities regulation
Director, division of instructional services
Administrator of the bureau of securities audits and examinations, office of securities regulation

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
F	\$39,513	\$42,304	\$45,094	\$47,885	\$50,675

Director, division of water supply and pollution control
Director, division of waste management
President of the technical institute

Presidents of the technical colleges
Deputy commissioner of vocational-technical education
Director of libraries
Director, audit division, revenue administration
Senior assistant attorney-general
Liquor commissioners
Director of human services
Executive director, sweepstakes commission
Budget officer, administrative services
Director, police standards and training council
Director, division of plant and property management
Director, division of water resources
Deputy commissioner of health and human services
Director, division of accounting services
Director of the office of securities regulation
Assistant superintendent for professional services, Laconia developmental services
Assistant superintendent for professional services, New Hampshire hospital

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
G	\$44,655	\$47,875	\$51,094	\$54,314	\$57,533

Insurance commissioner
Bank commissioner
Associate attorney general
Commissioner, department of employment security
Liquor commission, chairman
Executive director, liquor commission
Director, personnel
Director, division of information services
Director of administration, department of transportation
Director of operations, department of transportation
Director of public works, department of transportation
Adjutant general
Director of motor vehicles
Director of state police
Director of administration, department of safety
Director of adult services/warden, department of corrections
Labor commissioner
Commissioner, libraries, arts and historical resources
Deputy commissioner of education
Director, division for children and youth services
State treasurer
Secretary of state
Superintendent, Laconia developmental services
Superintendent, New Hampshire Hospital

	Minimum				Maximum
Group	Step 1	Step 2	Step 3	Step 4	Step 5
H	\$46,382	\$50,461	\$54,539	\$58,618	\$62,696

Commissioner, corrections

Senior physician/psychiatrist/dentist
 Psychiatrist, secure psychiatric unit
 Deputy attorney general
 Director of project development, department of transportation
 Assistant commissioner, department of environmental services
 Unit director (medical), New Hampshire hospital
 Unit director (medical), secure psychiatric unit
 Director, mental health and developmental services
 Director, public health services
 Assistant commissioner of transportation
 Commissioner, resources and economic development
 Assistant commissioner of safety
 Commissioner of vocational-technical education
 Commissioner of Education
 Assistant commissioner, revenue administration
 Medical director, division of mental health and developmental services

Group I \$64,405

Commissioner, department of environmental services
 Public utilities commissioners
 Attorney general
 Commissioner, department of transportation
 Commissioner, health and human services
 Commissioner, revenue administration
 Safety commissioner
 Commissioner, department of administrative services

Group J \$80,000

Chief medical examiner

Group K \$74,146

Governor

2 New Sections; Allocation Methodology; Matrix; Decision Rules. Amend RSA 94 by inserting after section 2-a the following new sections:

94:2-b Allocation Methodology. Each acting director or administrative head of any state agency or department shall determine the letter grade for each vacated or created position in his agency or department. The specific steps for such allocation shall be as follows:

I. For upgrades, downgrades, vacancies and new positions, he shall establish the job profile, which is the need for the position to include specific responsibilities.

II. This job profile shall be compared to the definitions and responsibilities listed under RSA 94:2-c. The allocation decision shall then be made by selecting the appropriate responsibility level in the matrix.

III. After the allocation decision is made under paragraph II, the decision rules established in RSA 94:2-d shall be applied to ensure that the unclassified position is appropriately slotted.

IV. After the duties under paragraphs I, II and III have been accomplished, such acting director or administrative head shall submit the allocation decision to the fiscal committee established in RSA 14:30-a for its review and temporary letter grade allocation.

94:2-c Unclassified Position Leveling Matrix; Responsibilities; Levels. The following responsibility levels shall apply to persons in the following letter grades:

I. For Group A:

- (a) Organization: organizes and controls workflow within specialized unit.
- (b) Decision making: limited decision making in area of resource allocation; decisions made require approval.
- (c) Policy: supports senior positions or agency objectives, or both.
- (d) Knowledge: knowledgeable in own discipline with broad work experience.
- (e) Management: may have project management responsibility.

II. For Group B:

- (a) Organization: organizes, and controls or manages workflow in small unit.
- (b) Decision making: decisions have limited impact; major decisions require approval.
- (c) Policy: supports unit or agency objectives and/or accountable for unit work activity.
- (d) Knowledge: advanced knowledge in own discipline with solid work experience.
- (e) Management: may supervise staff in a small unit.

III. For Group C:

- (a) Organization: organizes, plans and manages work in a unit.
- (b) Decision making: decisions impact the unit and work produced; decisions made in context of bureau practice.
- (c) Policy: supports agency objectives.
- (d) Knowledge: seasoned knowledge with understanding of related areas.
- (e) Management: supervises staff or functional activity.

IV. For Group D:

- (a) Organization: manages a bureau, unit or highly specialized function.
- (b) Decision making: decisions generally made within context of policy, procedure, mission.
- (c) Policy: generally bureau impact; may recommend policy.
- (d) Knowledge: broad knowledge in own field.
- (e) Management: manages staff or functional activity.

V. For Group E:

- (a) Organization: manages an agency, bureau or specialized work unit.
- (b) Decision making: decisions generally impact the bureau.
- (c) Policy: generally bureau impact; establishes plans and directions.
- (d) Knowledge: Specialized knowledge in own field.
- (e) Management: responsible for bureau or unit resource allocation and staffing or functional activity.

VI. For Group F:

- (a) Organization: manages an agency, bureau or specialized function.
- (b) Decision making: decisions have impact beyond the bureau.
- (c) Policy: may recommend policy; works within established policy and procedure.
- (d) Knowledge: expert knowledge in own field.
- (e) Management: responsible for staffing and resource allocation; major decisions are reviewed.

VII. For Group G:

(a) Organization: manages an agency, significant bureau or highly specialized function.

(b) Decision making: decisions may have state-wide impact, but generally focus on a specific discipline.

(c) Policy: impact on agency; establishes plans and directions.

(d) Knowledge: expert knowledge; may require proficiency in a number of fields.

(e) Management: responsible for staffing and resource allocation in accordance with agency policy.

VIII. For Group H:

(a) Organization: senior position responsible for a significant agency or a major segment of a group I agency.

(b) Decision making: decisions are made within context of mission, and overall plans affecting the state.

(c) Policy: major impact on agency; establishes plans and directions.

(d) Knowledge: authoritative source of knowledge.

(e) Management: responsible for staffing and resource allocation in agency.

IX. For group I: Senior position responsible for specified agencies.

94:2-d General Decision Making Rules. The following decision rules shall be applied when categorizing unclassified positions under RSA 94:2-b and 94:2-c:

I. Generally, the most senior position in an agency or bureau shall be in the highest letter grade and no other positions shall be in this grade.

II. Two positions with the same responsibilities and job profile but different staffing, budget and resource allocation responsibilities may be in different letter grades.

III. Positions with varying degrees of responsibility for policy implementation and operational activities shall be allocated based on the responsibilities most frequently performed.

IV. Positions with letter grades G, H, and I will generally be limited to positions ultimately responsible to the governor and the legislature for the conduct of the agency. Such positions may include agency heads, deputies, and executive directors.

V. The final letter grade for positions in levels C, D, and E should be reviewed in terms of impact and relationship to classified positions if a similar classified position exists.

VI. Market considerations may be considered in determining the final allocation, but shall not be a major factor.

3 New Paragraph; Duties Added. Amend RSA 14:30-a by inserting after paragraph III the following new paragraph:

IV. The fiscal committee shall establish procedures to review the allocation decisions submitted to it by the acting directors or administrative heads of state agencies or departments under RSA 94:2-b and shall set a temporary letter grade allocation for each position referred. The fiscal committee shall propose legislation recommending permanent salary levels for each position for introduction in the next regular session of the general court.

4 Appropriation. The sum of \$40,000 for the fiscal year ending June 30, 1990, is hereby appropriated to the division of personnel, department of administrative services, for the purpose of paying the remainder of the consultant fee for the consultant

hired pursuant to the task force established under RSA 1986, 12:2. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Transition; Implementation.

I. Incumbents whose salary range is increased shall be eligible for salary increase consideration on their next anniversary date. Future considerations shall be in accordance with the current review process. There shall be no immediate increases unless the date of implementation and the anniversary date coincide.

II. An incumbent whose salary range is decreased shall retain his current salary with all future increases as long as he remains in his current position.

III. When an unclassified position is vacated or created, an appropriate letter grade, and therefore, salary range, shall be determined using the allocation methodology in RSA 94:2-b and RSA 94:2-c.

6 Certain Salary Increments Retained. Nothing in this act shall affect any salary which has been adjusted for recruitment or retention pursuant to RSA 94:3-b.

7 Repeals. The following are repealed:

I. RSA 94:1-a, III, relative to salary differential.

II. RSA 94:1-a, III-a, relative to the salary of the chairman, state liquor commission.

III. RSA 94:2, relative to adjustment of salaries.

8 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill implements the recommendations of the personnel system task force, established under 1986, 12:2, relative to the unclassified system. The bill consolidates the unclassified groups under current law into fewer groups with various steps.

The bill also establishes a system to be used by agency and department heads in determining the grade and step level for vacated or created positions. This system is comprised of a matrix outlining the duties and responsibilities of the positions and general decision-making rules.

The bill requires the administrative head of a state agency or department to submit his allocation decision to the fiscal committee established in RSA 14:30-a for its review and temporary letter grade allocation. The fiscal committee shall recommend permanent salary levels to the general court during the next regular legislative session.

The bill makes an appropriation for the purpose of paying the remainder of the consultant fee hired pursuant to the task force established under 1986, 12:2.

Rep. Gross yielded to questions.

Amendment adopted.

Question now being ordering HB 350 to third reading.

A division was requested. Sufficiently seconded.

254 members having voted in the affirmative and 85 in the negative, HB 350 was ordered to third reading.

HB 578-FN, relative to victims' assistance. (A) Ought to Pass with Amendment.

This bill, as amended, continues the existing Victims Assistance Program which is funded with a 2% surcharge on the penalty assessment fund. Added to the current program are two new positions requested in the Governor's budget and a new general fund component to begin victim compensation in the amount of \$50,000 per year.

The amendment changes current law to provide for the victim compensation commission to make a clear distinction between assistance and compensation and to double the cap on the victim assistance fund. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to victim's assistance and compensation.

Amend the bill by replacing all after the enacting clause with the following:

1 Victim's Assistance Fund. Amend RSA 6:12, I(aa) to read as follows:

(aa) The assessments collected under RSA 188-F:31 which shall be credited to the victims' assistance fund until that fund exceeds [\$300,000] **\$600,000**, at which time moneys in excess of [\$300,000] **\$600,000** shall revert to the general fund.

2 Victims' Assistance Fund; Administration; Compensation. RSA 21-M:8-e is repealed and reenacted to read as follows:

21-M:8-e Administration of Victims' Assistance Fund.

I. Subject to the availability of money in the victims' assistance fund, the attorney general shall:

(a) Make grants for the establishment and maintenance of victim assistance programs in accordance with paragraphs II and III.

(b) Make awards to compensate victims of crime under RSA 21-M:8-f through 21-M:8-i.

II. A victim assistance program is eligible to receive grants under subparagraph I(a) if the program is able to provide matching funds for the grant and:

(a) Is within the office of a county attorney; or

(b) Is operated by a public agency or a private nonprofit organization or a combination of such agencies or organizations and provides services to victims of crime, and

(1) demonstrates a record of providing effective services to victims of crime and financial support from sources other than the fund; or

(2) receives substantial financial support from sources other than the fund.

III. A victim assistance program shall expend sums received under this section only for providing services to victims of crime.

3 New Sections; Victims' Compensation Program; Authorization, Administration and Functions. Amend RSA 21-M by inserting after section 8-e the following new sections:

21-M:8-f Victims' Compensation Program; Administration. There is established a victims' compensation program to be administered by the department of justice.

21-M:8-g Victims' Compensation Commission.

I. A victims' compensation commission is hereby established to review and award victims' claims for compensation. The attorney general shall nominate not fewer than 3 nor more than 5 persons to serve as members of this commission. Appointments shall be effective when the nominations are approved by the governor and council.

II. The commission shall review claims from victims for compensation and make compensation awards from the victims' assistance fund.

21-M:8-h Claimant Eligibility; Compensation.

I. Victims of (a) a felony resulting in personal injury; or (b) injuries caused by persons driving under the influence of alcohol or controlled substances; are eligible for compensation. In case of the victim's death as a direct result of the crime, the victim's spouse, the parents of a victim who was a dependent child, or the victim's dependent children are eligible to claim compensation. In the case of a victim's disability as a direct result of the crime, the victim's spouse or guardian may claim compensation in the victim's stead.

II. The claimant shall file a claim for compensation within 60 days of the crime, unless good cause is shown.

III. A claimant shall not be deemed ineligible for compensation based solely upon failure to apprehend the offender, or based solely upon failure of the state to obtain a conviction against the offender, providing there is reasonable evidence to sustain the claim that a crime had been committed which resulted in injury to the victim.

IV. The commission may consider the finding of innocence or guilt of the alleged offender in arriving at their determination of eligibility of the claimant. In determining eligibility and the amount of compensation to be awarded, the commission shall consider the contributory fault of the victim in causing his injury. If compensation is paid to members of the accused's immediate family, or persons who reside with or who have maintained a continuous relationship with the accused, the accused shall receive no benefit or enrichment as a result of payment of such compensation.

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses and lost wages directly resulting from the crime. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a \$5,000 ceiling on recovery per claimant per incident. If expenses paid through the victims' compensation program are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the victims' assistance fund for the amount of expenses recovered.

21-M:8-i Rulemaking. The attorney general shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for victims' compensation claims.

II. The standards which the victims' compensation commission shall apply in making a determination on each claim.

III. The qualifications, nomination procedures, and terms for victims' compensation commission members.

IV. The reimbursement of funds awarded to persons compensated by the victims' assistance fund who later receive compensation for injuries or expenses from other sources.

V. Procedures for payment of compensation when paid to members of the accused's immediate family or persons who reside with or have maintained a continuous relationship with the accused, which will prevent the accused from receiving any benefit or enrichment from such compensation.

4 Appropriation; Department of Justice. The following sums are appropriated to PAU 02, 04, 02, 07, department of justice, division of public protection, for victims' assistance and compensation:

02 Administration of justice and protection

04 Attorney general

02 Division of public protection

07 Victims' A & C

	FY 1990	FY 1991
10 Personal services - permanent	20,611	21,470
14 Personal services - permanent	24,050	26,110
20 Current expenses	6,036	3,205
30 Equipment	0	0
41 Audit funds set aside	0	0
42 Transfer to cola	0	0
50 Personal services	0	0
60 Benefits	10,273	11,419
70 In-state travel	1,500	1,500
80 Out-of-state travel	3,250	3,250
90 Compensation	75,000	75,000
97 Assistance	354,280	353,046
Total	470,000	470,000
Estimated source of funds for Victims' A & C		
00	0	0
General funds	75,000	75,000
09 Agency income	420,000	420,000
Total	495,000	495,000

The governor is authorized to draw his warrant for \$75,000 for fiscal year 1990 and \$75,000 for fiscal year 1991 out of any money in the treasury not otherwise appropriated.

5 Appropriation in Lieu of Appropriation in Operating Budget. The appropriation made to the department of justice division of public protection in section 4 of this act to PAU 02, 04, 02, 07 for the victims' assistance and compensation shall be in lieu of any appropriation made to such department for such purposes in the operating budget for the biennium ending June 30, 1991. Any appropriation in the operating budget to the department of justice for PAU 02, 04, 02, 07 shall be null and void and of no effect.

6 Totals Adjusted. The legislative budget assistant is authorized to adjust total and sources of funding in the 1990-1991 operating budget as made necessary by the passage of this act.

7 Effective Date.

I. Sections 1 and 4-6 of this act shall take effect July 1, 1989.

II. The remainder of this act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill creates a victims' compensation program at the state level to be administered by the department of justice. The bill establishes a victims' compensation commission, with not more than 5 members to be appointed by the attorney general, to review claims and make compensation awards from the victims' assistance fund. The attorney general is granted the authority to make rules regarding the commission and compensation of victims.

The amount which may accumulate in the victims' assistance fund is increased from \$300,000 to \$600,000. The fund shall be used by the attorney general to make grants on a matching fund basis to public and private victim assistance programs and to make compensation awards to victims.

This bill makes eligible for compensation victims of felonies resulting in personal injury or victims of injuries caused by persons driving under the influence. If the victim dies as a result of the crime, the victim's relatives may claim compensation. The claimant may be reimbursed up to \$5,000 for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, and lost wages.

The bill makes an appropriation for costs of victims' assistance and compensation.

Rep. Gross yielded to questions.

(Deputy Speaker Burns in the Chair)

Rep. Spencer spoke to the amendment.

Rep. Betty Hall spoke in favor of the amendment.

Rep. Gross spoke to the amendment.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Phelps and Chambers moved that the Rules be so far suspended as to permit reconsideration of its action on HB 462, eliminating the voter eligibility requirement for notary publics, whereby the House re-referred the bill to the Committee on Constitutional and Statutory Revision.

The Chair called for a division.

200 members having voted in the affirmative and 145 in the negative, the motion lost lacking the necessary two-thirds.

RECONSIDERATION

Rep. Pelley moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 38, increasing the legal length of lobster, and spoke in favor of her motion.

(Speaker in the Chair)

Reps. Scanlan and Drake spoke against the motion.

Motion lost.

Rep. Palumbo offered the following resolution:

INTRODUCTION OF HR 24

HR 24, requesting an opinion of the justices concerning the constitutionality of HB 412-FN-A.

Whereas, there is pending in the House, House Bill 412-FN-A, as amended, "An Act relative to a maximum deduction for compensation for business organizations under the business profits tax"; and

Whereas, an amendment has been proposed to HB 412-FN-A; and

Whereas, a question has arisen as to the constitutionality of the provisions of said bill as amended; and

Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

Resolved by the House:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would any provisions of the constitutions of New Hampshire or the United States be violated by the addition of RSA 77-A:4, XIV(a) to chapter RSA 77-A as proposed by the amendment to House Bill 412-FN-A?

2. Would any provisions of the constitutions of New Hampshire or the United States be violated by the addition of RSA 77-A:4, XIV(b) to chapter RSA 77-A as proposed by the amendment to House Bill 412-FN-A?

That the clerk of the house of representatives transmit copies of this resolution and HB 412-FN-A and the amendment to the Justices of the New Hampshire Supreme Court.

Rep. Sytek spoke to the resolution.

Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 20, at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 113, to define certain police trainers as permanent policemen for retirement system purposes.

HB 56, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor.

HB 58, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination.

HB 88, relative to weights and measures.

HB 109, relative to physicians and dentists in the department of health and human services and the department of corrections.

HB 120, increasing the amount available for suggestion and incentive awards to state employees.

HB 251, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor.

HB 290, to modernize the automation activities of the department of revenue administration and making an appropriation therefor.

HB 300, relative to studying access to medical care for persons without health insurance and making an appropriation therefor.

HB 374, relative to the Head Start program and making an appropriation therefor.

HB 386, relative to improving the financial status of impoverished children.

HB 410, relative to nursing scholarship program and making an appropriation therefor.

HB 429, relative to Medicaid expansion for low-income pregnant women and establishing a task force on low provider participation in Medicaid.

HB 434, relative to franchising and regulation of cable television systems and making an appropriation therefor.

HB 570, establishing a forgivable teaching loan program and making an appropriation therefor.

HB 594, to reinstate medical and surgical benefits for certain retired employees.

SB 12, relative to the Uniform Gifts to Minors law.

SCR 2, recognizing the importance of recycling.

SB 34, nullifying the sunset termination of the port authority scheduled for July 1, 1989.

SB 47, authorizing a day for fishing without a license.

SB 104, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border.

HB 57, appropriating funds to the department of agriculture to continue work on the Eastern States Building.

HB 100, making appropriations for capital improvements.

HB 200, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991.

HB 250, relative to the classified personnel system.

HB 394, establishing a state energy response commission and making appropriations therefor.

HB 433, relative to a pool for environmental liability insurance and making an appropriation therefor.

HB 518, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program, and making an appropriation therefor.

HB 715, relative to a capital improvement plan; the capital budget; and a debt management plan.

HB 764, relative to state revenues and appropriations.

HB 398, relative to the return of revenue to cities and towns and making appropriations therefor.

SB 49, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program.

SB 135, relative to student literacy.

SB 158, relative to the sale of a manufactured housing park.

HB 103, relative to motor vehicle laws.

HB 350, relative to the unclassified personnel system, and making an appropriation for a consultant fee.

HB 578, relative to victims' assistance and compensation.

Rep. Palumbo moved that the House stand in recess.

Adopted.

The House recessed at 2:05 p.m.

RECESS

(Deputy Speaker Burns in the Chair)

ENROLLED BILL REPORT

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions.

Rep. Mary Ann Lewis
Sen. William A. Johnson
For the Committee

Rep. Hoar moved that the House adjourn.

HOUSE JOURNAL No. 20

Thursday, April 20, 1989

The House assembled at 1:10 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Rev. John B. McCall.

As many of you know, today is the first day of Passover, when our brothers and sisters of Jewish tradition remember God's presence and power in bringing them out of the land of Egypt and into the promised land. The image has something to say to all of us. Today's prayer is one I have adapted from the Passover Haggadah, the service book for this holy season.

We praise Thee, God, Sovereign of existence! You have called us for service from among the peoples, and have hallowed our lives with commandments. In love, Thou hast given us sabbaths for rest, festivals for rejoicing, and seasons for celebration. Praised are You, YAHWEH our God, who gave us this joyful heritage.

We remember with gratitude the redemption of our ancestors from Egypt. Rejoicing in the fruits of our struggles for freedom, we look now with hope to the celebration of a future redemption, the building of the City of Peace in which all will rejoice in Your service, singing together a new song. Amen.

Rep. Ellen Dube led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Russell Chase, Ann Derosier, Manus, Kress, Burkush, Brady, Cote, Julie Brown, William Barry and Grip, the day, illness.

Reps. Domini, Arnesen, Alukonis, Braiterman, Fraser, Carl Anderson, White, Marilyn Campbell, Long, Bean, Rodgers, Beverly Gage, Robert Foster, Lionel Boucher, William Desrosiers, Gerald Merrill, Parr, Callaghan, Prestipino, Lemire, David Young, Buckley, Steiner, Klose, Behrens, Beaupre, Holmes, Kincaid, and Nordgren, the day, important business.

Reps. Mayhew, Barber and Joseph MacDonald, the day, illness in the family.

INTRODUCTION OF GUESTS

Leda and Meghan Cunningham, guests of Rep. Douglas Hall; Helen Holbrook, wife of Rep. Holbrook; Judge Jean Burling, wife of Rep. Burling; Kathryn Stanitski, sister of Rep. Michael Hill; Lt. Robert Farley and Assistant Chief, Mark Dellner of the Bureau of Fire Prevention, Dover Fire Department, guests of Rep. Ann Torr; Jason Biondi, son of Rep. Biondi; John Webster, guest of Rep. Driscoll; Gwen Nielsen, sister-in-law, and Elna Daigle, wife of Rep. Daigle; Dolores Eitel, mother, Emil and Josephine Eitel, grandparents of Rep. Maviglio; Mrs. Robert Parsons, wife, Mr. and Mrs. Fred Clements, guests of Rep. Parsons; Barbara Crutchley, wife, and Sean and Jessica Crutchley, grandchildren of Rep. Crutchley; Robert Scire, guest of Rep. Searles; Dr. William Walsh, New Hampshire's delegate to the National Academy of Family Practice, guest of Rep. Shackett; Eric Anderson, selectman from Bow, guest of Rep. Stio; Barbara Brown, wife of Rep. Channing Brown; Ann Berlin, secretary of the Marlborough Planning Board, guest of Rep. Gordon; Bob Jacobson, Chris Ray, his classmates and teacher Deborah Foss of Sanborn Regional Middle School, guests of Rep. Palumbo.

SENATE MESSAGES**CONCURRENCE**

HB 54, adding a member to water well board.

HB 131-FN, relative to protective well radii for private water wells.

HB 184, relative to driving left of center of roadways.

HB 477, relative to housing standards ordinances.

HB 657-FN, excepting certain landfills and other waste facilities from local junk yard regulation.

HB 676, relative to the operation of OHRVs on rights-of-way.

HB 691-FN, relative to recording of ancient plats.

HCR 3, petitioning the United States Congress for a national recycling policy.

HB 377, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions.

NONCONCURRENCE

HB 228, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary.

HB 533-FN, relative to the custody and impoundment of certain dogs.

HB 534-FN, relative to bottled water.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 123-FN, relative to the office of securities regulation. (Amendment printed SJ 9, 2/24/89)

Rep. Christy moved that the House concur.

Adopted.

HB 369, relative to assumption of a town office after a recount. (Amendment printed SJ 11, 3/23/89)

Rep. Flanagan moved that the House concur.

Adopted.

HB 138-FN, providing for a supported employment program and for an independent living program. (Amendment printed SJ 14, 4/11/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 267-FN, relative to vicious dogs. (Amendment printed SJ 14, 4/11/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 298-FN, relative to the statute of limitations for actions against governmental units. (Amendment printed SJ 12, 3/24/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 10, relative to legalizing the Conway Village Fire District meeting of March 30, 1987, and to supervisors of the checklist for the Conway Annual town meeting. (Amendment printed SJ 11, 3/23/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 14, relative to legalizing town meetings. (Amendment printed SJ 12, 3/24/89)
Rep. Grodin moved that the House concur.
Adopted.

HB 167-FN, relative to taking or acquisition of condominium common areas by eminent domain. (Amendment printed SJ 12, 3/24/89)
Rep. Michael Hill moved that the House concur.
Adopted.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 70-A, establishing a study committee to examine the vocational education system. (Amendment printed SJ 14, 4/11/89)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Phelps, Marsh, Peyron, and Kincaid.

HB 384, establishing a task force to review the recommendations of the Manchester airport and highway study. (Amendment printed SJ 14, 4/11/89)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Phelps, Driscoll, Alukonis and Burkush.

HB 288-FN, relative to penalties for aggravated DWI and for negligent homicide. (Amendment printed SJ 14, 4/11/89)

Rep. Thomas Gage moved that the House nonconcur and request a Committee of Conference.
Adopted.

The Speaker appointed Reps. Thomas Gage, Jasper, Hultgren, and Murphy.

GOVERNOR'S VETO MESSAGE ON HB 377

The question of abortion involves an individual's personal religious and moral views. I view abortion as the terminating of life and thus do not support it.

Today state law on abortion is superseded by the federal decision in *Roe vs. Wade*. However, should *Roe vs. Wade* be overturned, which is a possibility, New Hampshire law would once again be applicable. Up until the finding of *Roe vs. Wade*, abortions were illegal in New Hampshire except where the life of the mother was in danger. The Legislature has now passed legislation which would repeal the prior New Hampshire law. The effect of such a repeal is that, should *Roe vs. Wade* be struck down, New Hampshire would have no law governing abortion, and all abortions would be legal in New Hampshire.

Although our present laws have problems, should they be retained, they should be amended to remove their antiquated approach relative to criminal penalties and the failure to address rape and incest, and thus substantially improved, I do believe they are better than leaving the state without any laws.

I cannot, therefore, as a matter of personal conscience, accept such a repeal and, thus, I have vetoed this legislation.

Judd Gregg, Governor

Question being, shall HB 377 pass notwithstanding the Governor's veto.

YEAS 172

NAYS 140

**YEAS 172
BELKNAP**

Campbell, Richard H., Jr.
Randall, Kenneth A.
Ziegra, Alice S.

Hardy, Earle D.
Turner, Robert H.

Maviglio, Steven R.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Dodge, Arthur G., Jr.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Eaton, Daniel A.
Hill, Douglas E.
Matson, William R.
Morse, JoAnn T.
Spear, Susan S.

Cole, Kenneth A.
Foster, Katherine D.
Hunt, John B.
Metzger, Katherine H.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

COOS

Burns, Harold W.
Woodburn, Jeffrey R.

Kilbride, Dennis J.

Oleson, Otto H.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Densmore, Edward D.
Hill, Richard L.
Scanlan, David M.
Wadsworth, Karen O.

Bennett, Shirley M.
Christy, C. Dana
Eno, Larry E.
Larson, Nils H., Jr.
Stewart, Roger
Ward, Kathleen W.

Brown, Channing T.
Copenhaver, Marion L.
Guest, Robert H.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Amidon, Eleanor H.
Dube, Ellen C.
Dykstra, Leona
Green, Scott E.
Jenkins, Mary
Lefebvre, Roland J.
McCann, Bonnie Lou
Messier, Irene M.
Packard, Bonnie B.
Record, Alice B.
Smith, Leonard A.
Upton, Barbara A.

Barry, Vivian
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Hall, Betty B.
Knight, Alice Tirrell
Lown, Elizabeth D.
McCarthy, Daniel M.
Moore, Elizabeth A.
Pappas, Toni
Robinson, Ellen-Ann
Stiles, Walter A.
Wihby, Linda S.

Cowenhoven, Garret P.
Dyer, Merton S.
Ford, Nancy M.
Harlan, Susan N.
Kurk, Neal M.
Lozeau, Donnalee M.
McRae, Karen
Murphy, Robert E.
Pignatelli, Debora B.
Sallada, Roland A.
Tarpley, Nancy L.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy C.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Provencal, Leo A.
Teague, Bert

Apple, Lowell D.
Dunn, Miriam D.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Smith, Gerald R.
Wallner, Mary Jane

Bardsley, Elizabeth S.
Fair, Patricia A.
Hager, Elizabeth
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Soldati, Jennifer

ROCKINGHAM

Bell, Juanita L.
 Caswell, Albert, Jr.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoar, John, Jr.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Roulston, Donald L.
 Simon, Peter M.
 Stachowske, Vicki
 Weddle, Michael R.

Brown, Lewis W.
 Conroy, Janet M.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Sanderson, Patricia O.
 Skinner, Patricia M.
 Tufts, J. Arthur

Campbell, Eunice M.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Johnson, Robert A.
 Mace, Ada L.
 McCain, William F.
 Pantelakos, Laura C.
 Senter, Marilyn P.
 Splaine, John E., Sr.
 Vaughn, Charles L.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Foss, Patricia H.
 Kinney, Paula J.
 Merrill, Amanda A.
 Parks, Joe B.
 Torr, Ann M.
 Wheeler, Katherine Wells

Bernard, Mary E.
 Flynn, Anita A.
 Gilmore, Gary R.
 Martling, W. Kent
 Musler, George T.
 Pelley, Janet R.
 Vincent, Francis C.
 Young, John B.

Bickford, Drucilla
 Flynn, Edward J.
 Keans, Sandra B.
 McCann, William H., Jr.
 O'Brien, John
 Spencer, Leo J.
 Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
 Lucier, Edward A., Jr.

Harland, Jane A.
 Schotanus, Merle W.

Krueger, Richard H.

NAYS 140**BELKNAP**

Ballou, Richard A.
 Holbrook, Robert G.
 Rice, Thomas E. P., Jr.

Bolduc, Dennis R.
 Locke, Matthew J.
 Richardson, Lawrence

Golden, Paul A.
 Pearson, Ralph W.
 Rosen, Ralph J.

CARROLL

MacDonald, Kenneth J.

CHESHIRE

Cole, Stacey W.
 Gordon, Irvin H.
 Sawyer, Alfred P.

Delano, Robert F.
 Laurent, John J.

Doucette, Richard F.
 Perry, David M.

COOS

Brungot, Catherine V.
 Marsh, Beaton

Guay, Lawrence J.
 Nelson, Harold D.

Horton, Lynn C.
 Theriault, Romeo J.

GRAFTON

Driscoll, William J.
 Townsend, Howard C.

Markley, J. Keith
 Weymouth, Philip H.

Shackett, Ralph E.

HILLSBOROUGH

Ahrens, Frederick G.
 Biondi, Christine A.
 Cox, Gladys M.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Foote, Herbert N., Sr.

Baldizar, Barbara J.
 Bourque, Ann J.
 Desrochers, Gerard T.
 Donovan, Francis X.
 Elliott, Larry G.
 Frank, Nancy G.

Bicknell, Robert C.
 Bowers, Dorothy C.
 Dodge, Emma M.
 Drabinowicz, A. Theresa
 Fields, Dennis H.
 Gagnon, Gabrielle V.

Genest, Fernand A.
Gureckis, Adam C., Sr.
Hultgren, David D.
Keefe, Edmund M.
Lachut, Ervin R.
McNerney, Daniel P.
Ouellette, Robert O.
Provost, Gilles R.
Riley, Frances L.
Soucy, Lillian E.
Vanderlosk, Stanley R.
Young, Willard N.

Goulet, Maurice E.
Hatch, William H.
Hunter, Bruce F.
Kelley, Robert N.
Lawrence, Norman B.
Morrisette, Roland A.
Pepino, Leo P.
Reidy, Frank J.
Schneiderat, Catherine A.
Turgeon, Roland M.
Wheeler, David K.

Guilbert, Lionel
Holden, Carol H.
Jasper, Shawn N.
King, John A.
McDowell, James E.
Nardi, Theodora P.
Perham, Lester R.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Barberia, Richard A.
Daneault, Gabriel
Pfaff, Terence R.
Whittemore, James A.

Boucher, Laurent J.
Hayes, Robert C.
Phelps, James D.

Carter, Susan D.
Nichols, Avis B.
Shaw, Randall F.

ROCKINGHAM

Benton, Richardson D.
Brown, Jeffrey M.
Cooke, Annette M.
Felch, Charles H., Sr.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
MacDonald, Maurice B.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Schmidtchen, Rowland
Sytek, Donna P.
Wright, David B.

Blanchard, MaryAnn N.
Buco, Stephen W.
Drake, Herbert R.
Fesh, Robert M.
Kane, Cecelia D.
King, Roger C.
McCarthy, John J., Jr.
Parsons, Robert F.
Ritzo, Eugene
Seward, Russell G.
Warburton, Calvin

Boucher, William P.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Rosencrantz, James R.
Sochalski, Matthew M.
Welch, David A.

STRAFFORD

Dionne, Albert J.
Meserve, John H.
Sullivan, Henry P.
Tsiros, William

Frechette, Roland A.
Scharff, Thomas E.
Swope, Warren L.

Marston, Robert E.
Stewart, Glenn W.
Torr, Ralph W.

SULLIVAN

Brodeur, Robert J.
Middleton, John A.

Hinrichsen, Keith L.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the Governor's veto was sustained, lacking the necessary two-thirds.

Reps. Stio and Healy notified the Clerk that they wished to be recorded as against the motion. Rep. Blacketor wished to be recorded in favor of the motion.

ENROLLED BILLS AMENDMENTS

HB 99, relative to establishing a uniform fine schedule for fish and game law violations.

Amendment

Amend RSA 502-A:19-b, I as inserted by section 2 of the bill by replacing line 19 with the following:

given a notice of fine indicating the amount of [his] *the* fine plus penalty assessment at

This amendment corrects a clerical error by reinserting current statutory language.
Adopted.

HB 254-FN, establishing a study committee to examine issues relative to the great ponds in the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.

Amendment

Amend subparagraph II(e) as inserted by section 1 of the bill by replacing line 1 with the following:

(e) The director of the division of public works, department

This amendment makes a correction in terminology.

Adopted.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 46-FN, relative to wage withholding for child support. Ought to Pass.

This bill will bring the state into line with federal guidelines and is required to establish immediate wage withholding capability. Vote 11-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

SB 54-FN, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect. Ought to Pass with Amendment.

This bill gives an extension in the date by which the Trust Fund for the Prevention of Child Abuse and Neglect must raise \$500,000 in order to receive a matching fund from the state. This is only a precautionary bill to foresee any cause for delay which may be unforeseen. Vote 12-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

Amendment

Amend the bill by replacing section 1 with the following:

1 Date of Appropriation Conditionally Extended. 1986, 184:2, II(a) as amended by 1987, 372:8 is repealed and reenacted to read as follows:

(a) In the event that the sum of \$500,000 appropriated by paragraph I(a) of this section is not matched by non-state contributions or pledged contributions by June 30, 1989, the deadline for such matching contributions is extended to June 30, 1990. If the sum of \$500,000 appropriated by paragraph I(a) of this section is matched by non-state contributions or pledged contributions by June 30, 1990, then an additional \$500,000 shall be appropriated by the general court to the trust fund reserve account no later than June 30, 1990. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill conditionally extends the date by which the trust fund for the prevention of child abuse and neglect must raise \$500,000 in matching non-state or pledged contributions in order to have an additional \$500,000 appropriated from the state to the

fund. The date is extended from June 30, 1989, to June 30, 1990, in the event that the matching funds have not yet reached \$500,000 by June 30, 1989.

SB 55, relative to the children's trust fund for the prevention of child abuse and neglect. Ought to Pass.

This bill makes it clear that income from the trust fund for the prevention of child abuse and neglect will never accrue to the benefit of any person, firm or corporation. Upon the termination of the trust, the assets shall be distributed to organizations which are exempt under section 501 (c)(3) of the Internal Revenue Service Code of 1986 or to the federal or state government for a public purpose. The legislation is necessary for the trust fund to meet Internal Revenue Service regulations for tax exempt status. Vote 12-0. Rep. Mary Jane Wallner for Children, Youth and Juvenile Justice.

SB 63-FN, relative to enforcement of child medical support. Ought to Pass.

This bill, requested by the Division of Human Services in the Department of Health and Human Services, establishes compliance with federal regulations and protects New Hampshire from a \$350,000 federal sanction. It authorizes the Office of Child Support Enforcement to obtain obligor health insurance policy information, to take appropriate action in the event of policy cancellation, and to file claims under said policies thereby reducing New Hampshire Medicaid costs. A national \$63 million Medicaid cost saving has already resulted from states in compliance. Vote 12-0. Rep. Irene A. Pratt for Children, Youth and Juvenile Justice.

SB 93-FN, relative to the number of primary ballots to be used for computerized voting machines. Ought to Pass.

This bill leaves to the discretion of the Secretary of State the decision as to the number of ballots needed in a state primary election. The Committee feels the Secretary of State has the resources to so decide and should be allowed to do so. Vote 11-0. Rep. LeRoy S. Dube for Constitutional and Statutory Revision.

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth. Ought to Pass.

This bill is intended to bring Portsmouth's Ward 2 into compliance with the law that requires polling places to be accessible to handicapped persons. The present polling place lacks this accessibility. Ward boundaries are re-drawn to include the new polling place. Vote 11-0. Rep. Cynthia A. McGovern for Constitutional and Statutory Revision.

SB 183-FN, relative to the time for holding school elections in cities. Inexpedient to Legislate.

This bill is for only one community - Claremont. Claremont has the ability to correct its problem by changing its charter. The solution in this bill could cause even more problems. Vote 11-0. Rep. Calvin Warburton for Constitutional and Statutory Revision.

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state. Ought to Pass.

This bill eliminates life terms for assistant secretaries of state and allows the Secretary of State to appoint and to remove within the limits of that office's appropriations. Vote 11-0. Rep. Norman B. Lawrence for Constitutional and Statutory Revision.

Referred to Appropriations.

SB 138-FN, establishing a committee to study supplemental education assistance to school districts with assisted housing units. Inexpedient to Legislate.

The Committee agrees that the state has an obligation to share in the costs of funding education and the state has an obligation to address the affordable housing issue, but that it should not make one contingent upon the other when it comes to the issue of increased funding for education. Vote 17-0. Rep. Jacquelyn M. Domaingue for Education.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies. Ought to Pass with Amendment.

This bill requires that the Director of Plant and Property Management of the Department of Administrative Services establish a recycling program and guidelines for all state agencies, except legislative and judicial branches, and the Anna Philbrook Center. The last mentioned has already an established and successful program. The Fiscal Note calls for state expenditures of \$534,638 in FY90 and none in FY91. Vote 15-0. Rep. Harry E. Flanders for Environment and Agriculture.

Amendment

Amend RSA 21-I:59 as inserted by section 3 of the bill by replacing it with the following:

21-I:59 Definition. In this subdivision "agency" means any state department, commission, board, institution, bureau, office or other entity, by whatever name called, established in the state constitution, statutes, session laws; or executive orders, but not including those within the legislative and judicial branches of state government. This definition shall not include the Anna Philbrick center established pursuant to RSA 170-G:9.

Amend RSA 21-I:64, I as inserted by section 3 of the bill by replacing it with the following:

I. What constitutes recycled or recyclable materials. Recyclable materials shall include, but not be limited to, seperated clear and colored glass, aluminum, ferrous and non-ferrous metals, plastics, corrugated cardboard, batteries, tires, and, where practical, all paper.

AMENDED ANALYSIS

This bill requires the commissioner of the department of administrative services to establish a waste reduction and recycling program with specific guidelines for all state agencies, facilities, and employees. Each state agency shall be assessed and provided with guidelines for a mandatory recycling program. This bill exempts the Anna Philbrick center from the requirements established in this bill.

Any funds generated from this program shall be deposited in a special fund within the office of the state treasurer to be used to offset the costs of implementing this program.

Referred to Appropriations.

SB 15-FN, relative to New Hampshire hospital reimbursements for certain observations. Ought to Pass.

This bill makes clear who will pay the expenses for observation of a criminal suspect admitted to New Hampshire Hospital or other approved psychiatric hospital. Observation period only is covered to determine sanity per court order. Vote 15-0. Rep. Robert W. Foster for Health, Human Services and Elderly Affairs.

SB 164-FN, relative to licensing ophthalmic dispensers. Ought to Pass with Amendment.

The purpose of this bill is to register ophthalmic dispensers. Certificates of registration are granted to successful applicants through the Director of the Division of Public Health. The amendment addresses who shall fit contact lenses, i.e., no one shall fit contact lenses without a statement of delegation from an ophthalmologist or an optometrist. The amendment also changes the time a spectacle prescription is valid from 12 months to 24 months. This amendment was agreed to by the various ophthalmic professionals involved in prescribing and fitting glasses and contact lenses. The appropriation was added for the clerical and office expenses for the purpose of this act. The registration fees collected will cover the appropriation so that there will be no additional cost to the state. Vote 17-0. Rep. Marion L. Copenhagen for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to registering ophthalmic dispensers.

Amend RSA 327-A:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Ophthalmic dispensing" means the design, verification, and delivery to the intended wearer of lenses, frames, and other specially fabricated optical devices upon prescription. It includes, but is not limited to, prescription analysis and interpretation; the taking of measurements to determine the size, shape, and specifications of the spectacle lenses, frames, or lens forms best suited to the wearer's needs; the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear; the verification of the quality of finished ophthalmic products, the adjustment of lenses or frames to the intended wearer's face; the delivery of such ophthalmic products including instruction in hygiene and insertion and removal of contact lenses; and the adjustment, replacement, and reproduction of previously prepared ophthalmic lenses, frames, contact lenses, or other specially fabricated ophthalmic devices. It does not include the alteration without permission of the prescriber of any prescriptions, nor does it include the fitting of contact lenses which may only be performed by ophthalmologists or optometrists pursuant to law regulating such practices, unless the ophthalmic dispenser is in possession of a statement of delegation authorizing the fitting of contact lenses.

Amend RSA 327-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Prescription for spectacle lenses" means a dated and signed, written or oral direction not more than 24 months old from a ophthalmologist or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and when necessary, the vertex distance, cylinder axis, and prism. The oral prescription must be recorded and kept on file for 1 year by the ophthalmic dispenser.

Amend RSA 327-A:1 as inserted by section 1 of the bill by inserting after paragraph, VII the following new paragraph:

VIII. "Statement of delegation" means a written, signed statement from the prescribing ophthalmologist or optometrist which authorizes a named ophthalmic dis-

penser to fit the prescription for contact lenses. The statement shall be written on the prescription for contact lenses or shall be a letter which shall be attached to the prescription for contact lenses.

Amend RSA 327-A:2 as inserted by section 1 of the bill by replacing it with the following:

327-A:2 Registration of Ophthalmic Dispensers. It shall be unlawful for any person to engage in the business of ophthalmic dispensing or the practice of dispensing contact lenses unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. No person shall engage in the fitting of contact lenses unless the person has a statement of delegation from an ophthalmologist or optometrist.

Amend RSA 327-A:4 as inserted by section 1 of the bill by replacing it with the following:

327-A:4 Advisory Council; Establishment, Duties. There is hereby established an advisory council to the director of the division of public health services on the dispensing of spectacles, eyeglasses and contact lenses, whose members shall be appointed by the commissioner of health and human services with the approval of the governor and council. The governor shall designate one member of the advisory council as chairperson. The members of the advisory council shall consist of: 2 ophthalmic dispensers and one member of the public having no relationship to ophthalmic dispensing. Each member of the advisory council shall serve a 3 year term, except that of the initial council, one ophthalmic dispenser, shall serve a 2 year term. Members of the advisory council shall receive no per diem but shall be entitled to mileage when in the performance of duties required by this chapter. The advisory council shall advise the director of the division of public health services on general and specific policies involved in the dispensing of ophthalmic devices and contact lenses.

Amend RSA 327-A:5, III as inserted by section 1 of the bill by replacing it with the following:

III. Suspending or revoking certificates of registration upon the grounds listed in RSA 327-A:9, and conducting hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 327-A:II.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Appropriation. The sum of \$13,500 for the fiscal year ending June 30, 1990, and the sum of \$13,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the division of public health services, department of health and human services for clerical and office expenses for the purposes of this act. These appropriations are in addition to any other funds appropriated to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill requires registration of ophthalmic dispensers. Applications for registration shall be filed with the director of the division of public health services, department of health and human services, and shall be accompanied by a registration fee. The director is responsible for processing and making decisions on the applications.

The director grants certificates of registration to successful applicants. The director is granted rulemaking authority to administer the new law.

An advisory council is established to advise the director on policy regarding dispensing spectacles and contact lenses.

After a hearing, the director may suspend or revoke certificates of registration, and hears complaints from the public.

An appropriation is made for clerical and office expenses for the purposes of administering the new chapter.

Referred to Appropriations.

SB 29, relative to nonabandonment of dedicated streets. Ought to Pass.

This bill allows the governing body of a city or town, by vote, to determine whether or not a dedicated street should be released and discharged from public servitude because it has not been opened, built or used within twenty years. Vote 14-0. Rep. Thomas E. Scharff for Municipal and County Government.

SB 70-FN-A, establishing a pilot program to test the application of the office of state planning's GRANIT system. Ought to Pass with Amendment.

As proposed, this bill would have established a pilot program supported by an appropriation of \$40,000,000. The funding was deleted by the Senate. With agreement by the sponsor and the Office of State Planning, the Committee has amended the bill to reflect lack of funding, while continuing to address the intent that the Office of State Planning provide technical assistance and guidance to municipalities interested in utilizing geographic information technology for planning. Vote 14-0. Rep. Thomas E. Scharff for Municipal and County Government.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the technical assistance provided to municipalities
by the office of state planning.

Amend the bill by replacing sections 1, 2, and 3 with the following:

1 Findings.

I. The general court finds that the geographically referenced analysis information transfer (GRANIT) system being developed by the office of state planning, in conjunction with the university of New Hampshire complex systems research center, is a tool with significant potential to improve the state's technical assistance to regional planning commissions and municipalities.

II. The general court further finds that it is appropriate for the office of state planning, with the cooperation of other state and regional planning agencies, to provide technical guidance and assistance to municipalities interested in utilizing geographic information technology for planning, growth management and other local government functions.

2 New Paragraph; Additional Responsibility for Technical Assistance to Municipalities. Amend RSA 4-C:8 by inserting after paragraph III the following new paragraph:

IV. Provide technical assistance and information to municipalities with the cooperation of other state and regional planning agencies in the following areas:

(a) Use and application of geographic data available in the state's geographic information system (GIS) for local planning and growth management purposes.

(b) Recommending standard procedures for the establishment of accurate, large-scale base mapping to support municipal administrative functions such as tax assessment, public facility management and engineering.

3 Report. The office of state planning shall submit a report to the governor, the speaker of the house and the president of the senate on December 15, 1989, on the status and effectiveness of the technical assistance provided to municipalities under RSA 4-C:8, IV.

AMENDED ANALYSIS

This bill requires the office of state planning, in cooperation with other state and regional planning agencies, to provide technical guidance and assistance to municipalities interested in utilizing geographic information technology for planning and growth management purposes. It also directs the office of state planning to recommend standard procedures for the establishment of large-scale base mapping to support certain municipal administrative functions.

SB 118-FN, relative to private rights-of-way and class VI highways. Ought to Pass.

This bill gives the towns and cities another tool to aid in their orderly development. The bill clarifies the ability of a municipality to employ betterment procedures. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans. Ought to Pass with Amendment.

There is a need to have this legislative committee to monitor the 10-year highway and bridge plans which the legislature has adopted. Changes in the 10-year plan have occurred without legislative approval and the Committee feels that the Legislature should be advised of any changes and be able to be involved. The amendment deletes a reference to the Governor's Advisory Commission on Highways. Vote 17-0. Rep. James D. Phelps for Public Works.

Amendment

Amend RSA 17-O:3, II as inserted by section 1 of the bill by replacing it with the following:

II. If the department of transportation cannot comply with the enacted 10-year plan, regardless of whether a recommended change constitutes a delay, acceleration, elimination, or modification of a project, the department shall submit its recommended changes to the committee.

SB 108-FN, relative to Skyhaven airport in Rochester. Ought to Pass with Amendment.

As amended, Senate Bill 108 establishes a commission to study the transfer of Skyhaven Airport from the Department of Transportation to a local governing body or a private party rather than from Department of Transportation to another state agency and to report back to the Legislature with its recommendations. Vote 15-0. Rep. Channing T. Brown for Public Works.

Amendment

Amend the bill by replacing sections 1-3 with the following:

1 Commission Established; Membership. There is established a commission, to be known as the Skyhaven airport advisory commission, which shall study the transfer of Skyhaven airport in Rochester, New Hampshire from the department of transportation to a local governing body or a private party. The membership of the commission shall be as follows:

- I. The mayor of Rochester, New Hampshire, or his designee.
- II. The mayor of Dover, New Hampshire, or his designee.
- III. The mayor of Somersworth, New Hampshire, or his designee.
- IV. One member of the house of representatives who shall represent Strafford county, appointed by the speaker of the house.
- V. One member of the senate appointed by the president of the senate.
- VI. One business and industry person, appointed by the governor and council.
- VII. The fixed lease operator under contract for Skyhaven airport, who shall be an ex officio member.
- VIII. One resident of Strafford county, who shall be appointed by the other 6 voting members of the commission at its first meeting.

2 Staggered Terms. The term of office for the member appointed by the governor and the resident of Strafford county shall be 3 years and until a successor is appointed and qualified. The term of office for any other member of the commission shall be co-terminous with the term of office in the position that qualifies that member to be a member of the commission. A vacancy shall be filled in the same manner, but only for the unexpired term.

3 Duties. The advisory commission shall study all relevant issues surrounding the transfer of Skyhaven airport from the department of transportation to a local governing body or a private party.

AMENDED ANALYSIS

This bill establishes the Skyhaven airport advisory commission. The commission is to study issues relevant to the transfer of Skyhaven airport from the department of transportation to a local governing body or a private party. This bill requires the commission to submit a report with its findings, recommendations and any legislation necessary to accomplish the transfer to the governor and council, president of the senate and speaker of the house no later than December 15, 1989.

SB 134-A, relative to the purchase and maintenance of airports and making an appropriation therefor. Inexpedient to Legislate.

This bill would authorize the Commissioner of Transportation to use condemnation in acquiring airports, and perhaps more importantly authorize the Commissioner to enter into lease agreements for private airports, without any legislative approval. During lease periods no local or state taxes would be paid. The Committee feels that HB 241, which the House has already passed, would give the state first refusal on any airport offered for sale in the state and will address this situation. The Fiscal Note calls for state expenditures of \$2,000,000. Vote 16-0. Rep. Gene G. Chandler for Public Works.

SB 152-FN-A, relative to a study of a portion of the Spaulding Turnpike and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended by the Senate and later by the Committee, provides for an environmental study and preliminary design for a section of the Spaulding Turnpike, specifically Exit 6 - Little Bay Bridge, an interchange and potential toll booths and

their locations. The estimated \$630,000 cost is a charge to the turnpike fund. Also included is the establishment of a five member committee; two from the House, two from the Senate and one public member appointed by the Governor; to review and work with the Department of Transportation, local officials and study groups and make recommendations for an action plan concerning the traffic problems on Routes 16 and 302 in the Mount Washington Valley Area. Vote 17-0. Rep. Gene G. Chandler for Public Works.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a study of a portion of the Spaulding Turnpike
and making an appropriation therefor, and establishing
a committee to study traffic problems on Routes 16
and 302 in the Mt. Washington Valley.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Study. The sum of \$630,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1991, for an environmental study and the development of preliminary design plans for the section of the Spaulding Turnpike from the Dover toll plaza southerly to the future Gosling Road interchange in Newington and Portsmouth. This study shall include the redesign of exit 6, widening of the Little Bay bridge, provision for a full service interchange in Newington, rehabilitation of the General Sullivan bridge, and the determination of one-way or 2-way toll plazas in a location to maximize revenues. This appropriation shall be nonlapsing and is in addition to any other appropriation to the department of transportation for the biennium. The appropriation shall be a charge against the turnpike fund.

2 Committee Established; Traffic Problems.

I. A committee is hereby established to review traffic problems on New Hampshire Route 16 and U.S. Route 302 in the Mt. Washington Valley area. The committee may hold a public hearing. The committee shall work with the department of transportation, local officials, and interested parties to develop an action plan to resolve these traffic problems.

II. The committee shall consist of the following members:

(a) Two house members appointed by the speaker, one of whom shall be a member of the public works committee;

(b) Two Senate members appointed by the senate president, one of whom shall be a member of the senate finance committee; and

(c) One public member appointed by the governor.

III. The committee shall submit a report on its plan to the speaker, the senate president and the governor on or before December 1, 1989.

3 Effective Date.

I. Section 1 of this act shall take effect July 1, 1989.

II. Section 2 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for the environmental study and preliminary design plans for a section of the Spaulding Turnpike. The study shall include the redesign of exit 6, the widening of the Little Bay bridge, provision for a full service interchange in

Newington, rehabilitation of the General Sullivan bridge, and the determination of one-way or 2-way toll plazas in a location to maximize revenues.

This bill also establishes a committee to study traffic problems on Routes 16 and 302 in the Mt. Washington Valley area.

Referred to Appropriations.

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands. Ought to Pass.

This bill, as amended by the Senate, would change the name of "district chief" to "Forest Ranger" - "mill waste" to "mill residue" and delete the term "horse-drawn vehicle" from present law. The bill would also allow the Division of Forests and Lands to issue cease and desist orders for violations of RSAs 224, 79, 149, and 483A. Vote 14-0. Rep. Stacey W. Cole for Resources, Recreation and Development.

SB 22, relative to certain forestry activities in wetlands. Ought to Pass with Amendment.

The bill clarifies that logging may begin after the application is signed by the municipal officials. Presently, the law is vague on this point.

In addition, the owner, in order to satisfy the permitting requirements for minimum impact activities for harvesting timber in wetlands - which are currently ignored - shall also file a separate notice with the Wetlands Board. A \$10 filing fee accompanies the notice which shall be filled out and forwarded by the owner at the same time the application of intent to cut was obtained.

This bill has the support of the Wetlands Board, (Department of Resources and Economic Development), the Department of Revenue Administration, the Division of Forests and Lands, the Society of New Hampshire Forests and the Timberland Owners Association. Vote 13-0. Rep. Charles L. Vaughn for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Signed Notice. Amend RSA 79:10 to read as follows:

79:10 Notice of Intent to Cut. Every owner, as defined in RSA 79:1, II, shall, at the beginning of each tax year and prior to commencing each cutting operation, file with the proper assessing officials in the city or town where such cutting is to take place a notice of intent to cut provided by the commissioner of revenue administration, stating his name, residence, social security number, an estimate of the volume of each species to be cut, and such other information as may be required. A supplemental notice of intent shall be filed in the same manner for any additional volume of wood or timber to be cut in excess of the original estimate and within the tax year. The appropriate copies of all intents received by a city or town shall be forwarded to the commissioner of revenue administration by the assessing officials. Upon receipt of an original intent, the commissioner of revenue administration shall assign an operation number and furnish, without cost to the owner, a certificate and report of wood cut form. Such certificate shall be posted by the owner filing such intent in a conspicuous place within the area of cutting for each operation conducted within a city or town. The appropriate copy of all intents received by the commissioner of revenue administration shall be forwarded to the division of forests and lands of the department of resources and economic development. Starting an operation before the appropriate

notice of intent to cut has been filed with the city or town *and signed by the appropriate municipal officials* shall constitute a [misdemeanor] *violation* by the owner or any other person doing the cutting, or both. Failure to post the certificate on the job in a conspicuous place upon receipt shall constitute a violation.

2 New Paragraph; Permitting Requirements. Amend RSA 483-A:1 by inserting after paragraph IV the following new paragraph:

V.(a) Persons who have complied with notice of intent to cut wood requirements under RSA 79:10, and who have filed an appropriate notice of intent with the wetlands board and the department of resources and economic development, shall have satisfied the permitting requirements of this section for minimum impact activities only as defined by rules adopted by the wetlands board.

(b) Appropriate notice to the wetlands board and the department of resources and economic development shall include the following information:

- (1) name and address of property owner;
- (2) name and address of logger or forester;
- (3) town, tax map, number and lot number of job site; and
- (4) a copy of the appropriate United States Geological

Survey topographic map, or a copy of the appropriate United States Soil Conservation Service soils map, with the type and location of all wetland and waterbody crossings clearly indicated.

(c) A \$10 filing fee shall accompany the notice to the wetlands board. Such fees shall be held in accordance with RSA 483-A:1, III.

(d) The filing of an intent to cut form under RSA 79:10 shall be considered as permission to the wetlands board or the department of resources and economic development, or their agents, to enter the property for determining compliance with this chapter.

(e) The certificate issued under RSA 79:10 shall be posted upon receipt. Prior to receipt of such certificate, a copy of the intent to cut form, signed by the appropriate municipal official, shall be available on the job site, and shall be shown to any person who asks to see it.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that persons engaged in minimum impact activities may satisfy permitting requirements by complying with certain notice requirements established for intent to cut wood and notice to the wetlands board. The bill establishes a filing fee and posting requirements.

SB 60, relating to recording dock permits. Ought to Pass with Amendment.

This bill amends RSA 483-A:1 by adding a new Paragraph V for the recording of permits granted under this Chapter for the installation, construction or repair of a dock, docking facility or marina, or alteration of wetlands associated with a subdivision of four or more lots. Vote 12-0. Rep. John B. Young for Resources, Recreation and Development.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Recording Permits. Amend RSA 483-A:1 by inserting after paragraph IV the following new paragraph:

V. The permittee shall record, in the registry of deeds for the county or counties in which the real estate is located, each permit granted under this chapter for the installation, construction, or repair of a dock, docking facility, or marina, or for alteration of wetlands associated with a subdivision of 4 or more lots. The permit shall not be effective until so recorded.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 187-FN-A, relative to drug and alcohol abuse treatment at the New Hampshire state prison and making an appropriation therefor. Inexpedient to Legislate.

The Subcommittee unanimously recommended that this measure would not guarantee a successful addition to the existing corrective program which will continue. The funding for this new program was not firm. Fourteen new positions were not deemed proper at this time. The success rate of the other states' programs was not impressive. The possibility of a lawsuit from the new separate women's facility not being included in this measure was definitely feared. The Committee hopes a better measure will result in another session. Vote 14-2. Rep. Arthur Tufts for State Institutions and Housing.

(Regular Calendar)

SB 78-FN-A, making appropriations to the WIC program. Ought to Pass.

This bill makes an appropriation for the Women, Infants and Childrens Program (WIC) administered by the Division of Public Health Services, Department of Health and Human Services. The program is a Supplemental Food Program sponsored by the United States Department of Agriculture and administered by the state providing nutrition education, health assessments and referrals and nutritious foods to supplement the diets of pregnant and breast feeding women, infants and young children up to age five who are income-eligible and who have been found to be at nutritional risk. In 1988, the New Hampshire Legislature appropriated \$100,000 to expand WIC to an additional 500 participants per month. There are approximately 12,000 eligible low income women and children remaining outside the program. This appropriation maintains the amount level of expanded services through the 1990-91 biennium. Fiscal Note calls for state expenditures of \$110,000 in FY90 and \$115,500 in FY91. Vote 11-0. Rep. Sharon L. Nordgren for Children, Youth and Juvenile Justice.

Referred to Appropriations.

SB 133-FN-A, making an appropriation for Title XX grants and protective and preventive child care. Ought to Pass.

This bill authorizes an appropriation for Title XX funds and an expenditure therefrom of federal funds for protective and preventive child care. Fiscal Note calls for state expenditures of \$1.00 in FY90 and \$1.00 in FY91. Vote 13-0. Rep. Stanley N. Searles for Children, Youth and Juvenile Justice.

Referred to Appropriations.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers. Ought to Pass with Amendment.

This bill establishes an interest-free loan fund to encourage private and non-profit agencies to expand child care services.

A guaranteed loan program for both non-profit and for profit organizations and businesses to expand licensed child care services. The purpose of the amendment is to

clarify the bill. Vote 14-0. Rep. Juanita L. Bell for Children, Youth and Juvenile Justice.

Amendment

Amend RSA 161-F:1-3 as inserted by section 2 of the bill by replacing them with the following:

161-F:1 Revolving Loan Fund Established. There is hereby established the revolving loan fund for nonprofit child care providers within the division of human services, department of health and human services. The director of the division of human services shall administer the program in order to provide interest-free loans to private, nonprofit child care agencies for the purpose of establishing, expanding or making necessary improvements to a licensed child care center or program which is or shall be registered as a nonprofit organization with the state and which falls or will fall under one of the following categories of services, as defined in RSA 161-F:4: family day care home, family group day care home, group pre-school center, day care nursery, or pre-school program.

161-F:2 Amount of Loan; Terms. Each eligible applicant may receive one loan in an amount up to and including \$10,000. In no event shall the total amount loaned under this chapter exceed at any time the amount available in the revolving loan fund for such purposes. The loans shall be repayable to the division of human services, without interest, according to the terms established by the director, division of human services, by rule under RSA 161-F:3, V. Recipients shall demonstrate to the director the disposition of any funds provided under the loan program. In no event shall the term of repayment exceed 5 years, provided, however, that the director may suspend repayment for a period of time upon good cause demonstrated by the borrower.

161-F:3 Eligibility and Delivery of Service Standards.

I. Successful applicants for loans provided under this chapter are required to demonstrate in their application that they meet the minimum eligibility standards of paragraphs II and III.

II. Each applicant shall:

- (a) Agree to apply for or hold a child care provider license pursuant to RSA 170-E.
- (b) Register with the state as a private, nonprofit organization.
- (c) Address a geographic or community need for projected service or agree to provide service to infants and toddlers.
- (d) Agree to provide service to children who are eligible for Title XX assistance under Public Assistance Manual ITEM 390, sections 3980-3983.
- (e) Be fiscally sound as shown in a financial statement.
- (f) Agree to comply, if an applicant establishing a center or program, or comply with, if an existing child care provider, state and local public health, fire and life safety codes and zoning requirements.

III. Each applicant shall either:

- (a) Seek a loan in order to renovate a facility or facilities to comply with life safety, fire, health, or other public codes, whether state or local, and shall demonstrate expected costs of such compliance; or
- (b) Seek a loan in order to make capital expenditures necessary to meet licensing requirements related to planned establishment or expansion and shall demonstrate expected costs of such compliance.

IV. The director of the division of human services shall adopt rules, pursuant to RSA 541-A, relative to:

- (a) General financial qualifications for eligibility of nonprofit organizations for the loan.
- (b) The form and procedure for application for such loans.
- (c) The term of the loans granted pursuant to this chapter including, but not limited to, what shall constitute good cause for suspending repayment for any period of time.
- (d) The form and terms of loan agreements required of eligible borrowers.
- (e) Such other matters as are necessary to carry out the powers and duties of the division under this chapter.

Amend RSA 204-C:73-74 as inserted by section 3 of the bill by replacing them with the following:

204-C:73 Administration; Eligibility; Demonstration.

I. The authority shall make a good faith effort to approve applications from both nonprofit and for-profit child care organizations and business organizations which currently provide or are planning to provide child care services for their employees, consistent with the minimum criteria established in this paragraph. When entering into contracts for guaranteed loans pursuant to this subdivision, the authority shall require that applicants demonstrate that they, at a minimum, meet the requirements of paragraphs II and III.

II. Each applicant shall:

- (a) Agree to apply for or hold a child care provider license pursuant to RSA 170-E.
- (b) Register with the state as a private, nonprofit or for-profit child care organization or be a registered business organization which provides or plans to provide child care services to its employees.
- (c) Address both a geographic and community need for projected service or agree to provide service to infants and toddlers.
- (d) Agree to provide service to children who are eligible for Title XX assistance under Public Assistance Manual ITEM 390, sections 3980-3983.
- (e) Be fiscally sound as shown in a financial statement.
- (f) Agree to comply, if an applicant establishing a center or program, or comply with, if an existing child care provider, state and local public health, fire and life safety codes and zoning requirements.

III. Each applicant shall either:

- (a) Seek a loan guarantee in order to renovate a facility or facilities to comply with life safety, fire, health, or other public codes, whether state or local, and shall demonstrate expected costs of such compliance; or
- (b) Seek a loan guarantee in order to make capital expenditures necessary to meet licensing requirements related to planned establishment or expansion and shall demonstrate expected costs of such compliance.

IV. Loan guarantee recipients shall demonstrate to the authority the disposition of any moneys provided under the child care provider guaranteed loan program.

204-C:74 Guarantee. Upon application from a lender in such form as the authority may require, the authority may issue, or commit itself to issue, payable solely from the funds provided pursuant to 204-C:78, to the lender or its assigns, a certificate of guarantee equal to 50 percent of the outstanding principal due on the loan made to eligible child care agencies or organizations as defined in 204-C:73. In no event shall any loan principal guaranteed under this section exceed the amount of \$10,000 per recipient.

AMENDED ANALYSIS

This bill establishes an interest-free revolving loan fund to encourage private, non-profit agencies to establish or expand ongoing licensed child care centers. The revolving loan fund is administered by the director of the division of human services.

The bill also establishes a guaranteed loan program for both private, nonprofit agencies and for-profit organizations and businesses which provide child care services for employees for the purpose of establishing or expanding licensed child care centers. This program is administered by the housing finance authority.

The bill was requested by the division of human services, department of health and human services.

Amendment adopted.

Referred to Appropriations.

SB 115-FN, establishing a committee to study private sector involvement in public education. Inexpedient to Legislate.

The Committee has strong reservations concerning the makeup of the study committee since it was imperative that no interested business or educational organization be left out. In addition, it was difficult for the Committee to visualize the type of legislation that might come out of such a study committee that would improve upon what appears to be a growing positive relationship between business and education. Vote 16-2. Rep. Dennis R. Bolduc for Education.

Resolution adopted.

SB 20, relative to the method of taking deer in the city of Dover. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill has merit, however, the past precedent of the Committee has been to require input by the local legislative body. Since there is no vehicle available to hold this bill for local input, the only alternative, in order to protect the integrity of home rule, is to kill the bill. Vote 8-6. Rep. William P. Boucher for the Majority of Fish and Game.

MINORITY: The Minority of the Committee feels that due to the velocity of rifles in compact areas, such weapons should be banned in the city of Dover. Prevention is better than afterthought. Rep. Herbert R. Drake for the Minority of Fish and Game.

Rep. William Boucher spoke in favor of the bill.

Rep. Perham moved that SB 20 be laid upon the table.

Motion adopted.

SB 120-FN, relative to acute care. Ought to Pass with Amendment.

The sponsor of the bill indicated a desire to have the acute care health system reviewed. The question of the number of beds we have and how we are using them became a concern when it was learned that there were plans in the system to build a new hospital in Salem.

The amendment to this bill requires that the Health Services Planning and Review Board be responsible for gathering information in 10 different areas of acute care. It also gives the Board a chance to officially review the Certificate of Need law and suggests any perceived improvements. Vote 17-1. Rep. Matthew M. Sochalski for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Study Authorized. The health services planning and review board established in RSA 151-C:3 shall conduct a study of the acute care bed needs of the state of New Hampshire. In conducting this study, the board shall determine the following:

- I. The total number and location of licensed acute care beds in the state.
- II. The total number and location of staffed acute care beds in the state.
- III. The total number and location of licensed intensive care beds in the state.
- IV. The total number and location of licensed maternity beds in the state.
- V. The total number and location of substance abuse beds in the state.
- VI. The total number and location of psychiatric beds in the state.
- VII. The number of licensed acute care beds per 1,000 population at each hospital in the state and in the state as a whole.
- VIII. The number of staffed acute care beds per 1,000 population at each hospital in the state and in the state as a whole.
- IX. The number of admissions per 1,000 population at each hospital in the state and in the state as a whole.

X. The percentage of occupancy, based on both licensed and staffed acute care beds, at each hospital in the state and in the state as a whole.

2 Purpose. The primary purpose of this study shall be to examine the acute care bed needs of the state of New Hampshire and determine what legislation may be needed to improve the certificate of need process to control costs in the health care delivery system and to reduce the excess capacity of empty beds. The board may recommend new legislation as needed.

3 The board shall report its findings and recommendations to the governor, the president of the senate, and the speaker of the house on or before June 30, 1990.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the health services planning and review board to conduct a study to determine the acute care bed needs of the state of New Hampshire.

Under this bill, the board shall submit a report of its findings and recommendation to the governor, president of the senate and speaker of the house no later than June 30, 1990.

Amendment adopted.

Ordered to third reading.

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor. Ought to Pass with Amendment.

As amended, this bill appropriates \$500,000 each year of the biennium to create a network for family support services, which would support, advise and monitor services provided by the area agency system, for families caring for a family member with disabilities in their own homes, as opposed to more costly out-of-home placements; to be administered by the Division of Mental Health and Developmental Services. Vote 18-0. Rep. Marilyn P. Senter for Health, Human Services and Elderly Affairs.

Amendment

Amend RSA 126-G:4 as inserted by section 2 of the bill by replacing it with the following:

126-G:4 Regional Family Support Councils; Workers. The division shall establish a family support council in each area which shall consist of persons who have a developmentally disabled family member. The family support council shall provide advice to the area agency in the development of a family support plan for the area and shall monitor the services provided pursuant to the plan. A family support worker shall be available within each region to assist families in acquiring the supports and services outlined in the family support plan. The family support worker shall work closely with the regional family support council to monitor the services provided to families.

Amend RSA 126-G:5 as inserted by section 2 of the bill by replacing it with the following:

126-G:5 Rulemaking. The director shall adopt rules under RSA 541-A relative to:

I. Further definition of services to be provided under this chapter.

II. Requirements for eligibility for services.

III. Manner of providing services under RSA 126-G:3.

IV. Size of regional family support councils and assignment of family support workers pursuant to RSA 126-G:4.

Amendment adopted.

Referred to Appropriations.

SB 53-FN, relative to assessing time share interests. Ought to Pass with Amendment.

This bill, as amended, simply states that time share condominiums will be assessed the same as whole condominiums for property tax purposes. This legislation is consistent with two previous court decisions. At the present time there are no guidelines with respect to assessing this type of property. All those testifying were in support. The amendment only changes the effective date "upon passage." Vote 8-6. Rep. Lillian E. Soucy for Municipal and County Government.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SB 38-FN, relative to fireworks. Ought to Pass with Amendment.

This bill, as amended, simplifies, clarifies and strengthens the original bill. The sale, possession and use of all fireworks in New Hampshire is prohibited, except for fireworks displays, which must be performed by competent operators, licensed by the New Hampshire Department of Safety, and by local authorities. This amendment was crafted with input from the New Hampshire Department of Safety, the New Hampshire Association of Fire Chiefs, the Attorney General's Office, and it meets with the approval of the sponsor of Senate Bill 38. The Subcommittee had previously considered a proposed amendment which would have permitted the sale and taxation of both "B" special and "C" common fireworks, but rejected the amendment as not being feasible. Vote 11-1. Rep. David A. Welch for Public Protection and Veterans Affairs.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Definitions. Amend RSA 160-A:1 by inserting after paragraph V the following new paragraphs:

VI. "Retail" means the sale to any consumer or person not engaged in the business of making sales of fireworks.

VII. "Wholesale" means engaging in the business of making sales to any other person engaged in the business of making sales of fireworks. "Wholesale" shall not include any making of sales to consumers or persons not engaged in the business of making sales of fireworks.

2 New Section; No Sale of Fireworks Without Permit. Amend RSA 160-A by inserting after section 1 the following new section:

160-A:1-a Permit Required. No person, firm, partnership, or corporation shall offer for sale, expose for sale, sell, or display any fireworks without first obtaining a permit for sale or display of fireworks from the municipality in which the sale or display will occur, in accordance with this chapter.

3 Permits for Sale and Purchase of Class B Special Fireworks or Class C Common Fireworks. RSA 160-A:2 is repealed and reenacted to read as follows:

160-A:2 Permits for Class B and Class C Fireworks.

I. It shall be illegal for any person, firm, partnership, or corporation to offer for sale, expose for sale, or sell at retail, any class B special fireworks, or class C common fireworks, or both, without a permit for such sale obtained in accordance with paragraph III of this section and a license obtained in accordance with RSA 160-A:7.

II. It shall be illegal for any person to purchase, possess, or display any class B special fireworks or class C common fireworks, or both, without a display permit obtained in accordance with paragraph III of this section. It shall be illegal for any person to purchase, possess or display any class B special fireworks without obtaining a certificate of competency in accordance with RSA 158:9-f.

III. Subject to the provisions of RSA 160-A:2-a, the licensing board of any city or town, or if a duly constituted licensing board does not exist, the chief of police or fire chief of a city or town, if any, or the governing board of a town, city or village district, may grant permits for:

(a) The sale of fireworks by any person which, at the time such sale permit is issued, is subject to and in full compliance with Title 18, United States Code, and the regulations promulgated thereunder, governing class B special fireworks. The applicant for a sale permit under this subparagraph shall have the burden of proving compliance with such federal regulations. Any permit issued pursuant to this paragraph shall be issued contingent on the applicant's receipt of a license in accordance with RSA 160-A:7. Sale permits under this subparagraph shall be valid for a maximum of one year from the date of issue or until the permittee is no longer governed by or in compliance with the federal regulations or until the permittee no longer holds a license obtained under RSA 160-A:7. No such sale shall be made to any person under 21 years of age or to any person other than a person who has been granted a permit to display fireworks and who presents such permit at the time of sale.

(b) The display of class B special fireworks, provided the individual has first obtained a certificate of competency as provided in RSA 158:9-f.

(c) The display of class C common fireworks.

IV. Every display permitted under paragraph III shall be handled by a competent operator at least 21 years of age to be approved by the chief officer of the police or fire department, the board of selectmen, or the commissioners of the city, town, or village district in which the display is to be held, and shall be of such a character, and so

located, and displayed, as in the opinion of the chief of the fire department or fire ward, after proper inspection, that it shall not be hazardous to property or endanger any person or persons.

V. An application for a display permit shall be made in writing at least 15 days in advance of the date of the display. The town, city, or village district may charge a reasonable fee for a permit to display class B special fireworks or class C common fireworks, or both. No display permit granted under this section shall be transferable, and each display permit shall be valid for only one display to be held within 15 days of the date such permit is granted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15-day period of effectiveness of the display permit so that a fire hazard exists, he may revoke the permit. Display permits shall only be granted for displays by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

4 New Section; Local Option. Amend RSA 160-A by inserting after section 2 the following new section:

160-A:2-a Local Option. Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits under RSA 160-A:2, III. If the municipality has voted to allow or prohibit the issuance of permits prior to the effective date of this section, such decision shall remain in effect unless subsequent action is taken under this section.

5 Exceptions. RSA 160-A:3, II is repealed and reenacted to read as follows:

II. The sale, at wholesale, of any kind of fireworks, by any resident manufacturer, wholesaler, dealer or jobber, provided such fireworks are intended for shipment directly out of state, by the manufacturer, wholesaler, dealer or jobber making the sale, or by common carrier.

6 Penalties. RSA 160-A:5 is repealed and reenacted to read as follows:

160-A:5 Penalties. Any person who violates any of the provisions of RSA 160-A shall be guilty of the following penalties and in addition shall be liable, in any civil action, to any person for damages resulting from the illegal sale or use of fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator:

I. In the case of a violation of this chapter involving class B special fireworks, except as provided in paragraph III, or in the case of a violation of this chapter involving the sale of class C common fireworks, the person shall be guilty of a misdemeanor.

II. In the case of a violation of this chapter involving class C common fireworks, except as provided in paragraph I, the person shall be guilty of a violation for a first or second offense and guilty of a misdemeanor for any subsequent offense.

III. Any person under the age of 21 years who possesses any fireworks shall be guilty of a violation.

7 New Section; State Fireworks License. Amend RSA 160-A by inserting after section 6 the following new section:

160-A:7 State License for Sale of Fireworks.

I. Upon application of any person, the commissioner of safety, or some person designated by the commissioner, shall issue a license authorizing the applicant to sell or market fireworks in this state for not more than one year from the date of issue, provided the person has first obtained a permit to sell fireworks pursuant to RSA 160-A:2, III. The license shall be in duplicate and shall bear the name, address, descrip-

tion and signature of the licensee. The license shall be displayed at all times, openly and publicly at the licensee's place of business. The original of the license shall be delivered to the licensee and the duplicate shall be preserved by the director. The license shall be issued within a reasonable time after application.

II. The license shall be issued to an applicant who, at the time such license is issued, possesses a permit issued in accordance with Title 18, United State Code, governing fireworks or who is subject to and in full compliance with RSA 158. No license shall be issued for the sale of fireworks unless the applicant establishes that it will locate its business in a permanent structure which meets all applicable fire safety codes. No license for the sale of fireworks shall be issued to any person who has been convicted of a felony if the felony has not been annulled by a court of record. No license shall be issued to any person under 21 years of age.

III. If such application is denied, the reasons for such denial shall be stated in writing, in duplicate, the original of which shall be delivered to the applicant, and the copy thereof kept in the office of the division of state police.

IV. The fee for a license for each location shall be \$1,000 per year, payable annually to the department of safety for deposit in the general fund.

V. The license issued pursuant to this section may be revoked or suspended by the commissioner of safety pursuant to rules adopted under RSA 541-A.

8 Repeal. RSA 160-A:3, I, relative to an exception for wholesale sale of fireworks, is repealed.

9 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires that persons be at least 21 years of age to purchase, possess or operate displays of fireworks.

This bill allows the local legislative body or local governing body of any municipality to vote to allow, or prohibit the issuance of fireworks sale or display permits by the municipality.

This bill repeals the exception from state fireworks laws for wholesale sale of fireworks and inserts a provision which excepts from state laws regulating fireworks the sale at wholesale of fireworks which are to be shipped directly out of this state, only if the sale is by a resident manufacturer, wholesaler, dealer or jobber. The bill defines "wholesale" and "retail" sales of fireworks.

The bill requires that sellers obtain both a permit from the municipality and a license from the commissioner of safety to sell fireworks.

The bill also changes the penalties for violations of the fireworks laws.

Amendment adopted.

Rep. Dickinson offered an amendment, spoke to his amendment and yielded to questions.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 License to Purchase, Store, and Transport Class B Fireworks; Fees. RSA 158:9-c, III-a is repealed and reenacted to read as follows:

III-a. The fee for a class B special fireworks license issued pursuant to RSA 158:9-f shall be \$5. In addition, there shall be a storage facility fee for the storage of class B special fireworks as defined in 49 CFR 173.88 (d), packaged or unpackaged. This fee shall be the same as that provided under paragraph II (a) through (c).

2 Fees for Competency Examinations for Licenses to Purchase, Store, and Transport Explosives and Fireworks. Amend RSA 158:9-c, VI to read as follows:

VI. There shall be a fee of \$5 for any competency examination or renewal certificate given by the director of state police for any [examination or certificate given]*license issued* under this subdivision.

3 Rules; Enforcement; Class B Fireworks. RSA 158:9-f, I is repealed and reenacted to read as follows:

I. The director of the division of state police may adopt rules pursuant to RSA 541-A relative to:

(a) The sale, storage, handling, transportation, inspection, administration, and use of explosives, including provisions relative to the purchase of insurance by commercial entities.

(b) The sale, storage, handling, transportation, inspection, administration, and use of class B special fireworks, including the separate licensing of persons authorized to conduct these activities and provisions relative to the purchase of insurance by commercial entities.

4 New Chapter; Fireworks. RSA 160-A is repealed and reenacted to read as follows:

CHAPTER 160-A FIREWORKS

160-A:1 Definitions. As used in this chapter:

I. "Fireworks" shall mean class B special fireworks and class C common fireworks as defined in this section.

II. "Class B special fireworks" shall mean the same as class B special fireworks in 49 CFR sec. 173.88 (d), packaged or unpackaged.

III. "Class C common fireworks" shall mean the same as class C common fireworks defined in 49 CFR sec. 173.100 (r), packaged or unpackaged.

160-A:2 Permits for Fireworks Displays.

I. It shall be illegal for any person, firm, partnership, or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, or explode any fireworks without a permit. The licensing board of any city or town, or if a duly constituted licensing board does not exist, the chief of police of a city or town, if any, or the governing board of a town, city, or village district, may grant permits for:

(a) The sale to, possession of, or supervised public display of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

(b) The sale of class C fireworks to an individual for use upon his property, the possession of class C fireworks by an individual for use upon his property, or the display of class C fireworks by an individual upon his property.

II. Every such display under paragraph I shall be handled by a competent operator at least 18 years of age, to be approved by the chief officers of the police and fire departments, the board of selectmen, or the commissioners, of the city, town or village district in which the display is to be held and shall be of such a character, and so located, discharged, or fired, as in the opinion of the chief of the fire department or fireward, after proper inspection, shall not be hazardous to property or endanger any person or persons.

III. Application for permits shall be made in writing at least 15 days in advance of the date of the display. After such permit is granted, sale, possession, use, and distribution of fireworks for such display shall be lawful for the purposes of the permit

only. No permit granted under this section shall be transferable and each permit shall be good for only one display to be held within 15 days of the date such permit is granted. If, in the opinion of the chief of the fire department, conditions deteriorate during the 15 day period of effectiveness of the permit so that a fire hazard exists, he may revoke the permit.

160-A:3 Exceptions. Nothing in this chapter shall be construed to prohibit:

I. Any resident wholesaler, dealer, or jobber from selling at wholesale any fireworks which are not prohibited by this chapter.

II. The sale of any kind of fireworks, which are to be shipped directly out of this state.

III. The sale of fireworks to or use of fireworks by railroads or other transportation agencies for signal purposes of illumination.

IV. The sale of fireworks to or use of fireworks by law enforcement agencies.

V. The sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes, or in athletics or sports.

VI. The sale of fireworks to or use of fireworks by military organizations.

VII. The sale of fireworks to be used for agricultural purposes and the use of fireworks for agricultural purposes.

VIII. The sale and use of toy, plastic or paper caps which contain less than 25/100's of a grain of explosive composition per cap.

160-A:4 Enforcement. The law enforcement officials of the state, counties, or any city or town, are authorized and directed to seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter.

160-A:5 Penalties. Any person who violates any of the provisions of RSA 160-A shall be guilty of the following penalties and in addition shall be liable, in any civil action, to any person for damages resulting from the illegal sale or use of fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator:

I. In the case of a violation of this chapter involving class B special fireworks, the person shall be guilty of a misdemeanor.

II. In the case of a violation of this chapter involving class C common fireworks, the person shall be guilty of a violation.

160-A:6 Exceptions and Exemptions Not Required to be Negated. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption contained herein, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill removes changes which were made to state laws regarding fireworks by 1988, chapter 292.

Reps. Reidy, Benton and Welch spoke against the amendment and yielded to questions.

A division was requested.

71 members having voted in the affirmative and 250 in the negative, the amendment lost.

Rep. Welch explained the bill as amended.

Report adopted.
Ordered to third reading.

SENATE MESSAGE

ADOPTION OF COMMITTEE OF CONFERENCE REPORT

HB 762-A, making supplemental appropriations for fiscal year 1989.

COMMITTEE OF CONFERENCE REPORT ON HB 762-A

(see SJ 17, 4/18/89)

Reps. Palumbo and Robinson spoke in favor of the Committee of Conference report.

Report adopted.

Rep. Burns addressed the House briefly on SCR 1, amending joint rule 4-A (b).

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Tuesday, April 25 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 46-FN, relative to wage withholding for child support.

SB 54-FN, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 55, relative to the children's trust fund for the prevention of child abuse and neglect.

SB 63-FN, relative to enforcement of child medical support.

SB 93-FN, relative to the number of primary ballots to be used for computerized voting machines.

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth.

SB 15-FN, relative to New Hampshire hospital reimbursements for certain observations.

SB 29, relative to nonabandonment of dedicated streets.

SB 70-FN-A, establishing a pilot program to test the application of the office of state planning's GRANIT system.

SB 118-FN, relative to private rights-of-way and class VI highways.

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

SB 108-FN, relative to Skyhaven airport in Rochester.

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands.

SB 22, relative to certain forestry activities in wetlands.

SB 60, relating to recording dock permits.

SB 120-FN, relative to acute care.

SB 53-FN, relative to assessing time share interests.

SB 38-FN, relative to fireworks.

Rep. Lefebvre addressed the House by Unanimous Consent.

PROGRANITORS

Legislators, ah, how they too come and go
 Arriving like angels, hearts pure as snow.
 Your smile, kind words, oh how sublime,
 Inspired our hearts so, for all point in time.
 Who was your teacher, who was your conscience?
 By what grace holds your heart such providence?
 Whence much was given, then so much lost,
 Only to be arisen as 'tis you that accost.
 In this well of knowledge, could we now conclude,
 Never shall you surrender, less yet ye be subdued.
 Somewhere along your way, hearts heavy, worrisome,
 Much did you convey, however, never troublesome.
 These House walls, ah, how they symbolize
 Your joy, your tears that be so crystallized.
 Where to find the words you knew not,
 How to unlock your hearts, dreams tied in knots.
 Whereas many you followed, we too, did dare,
 As within those hearts to follow, like you will care.
 'Twas black, gray, white, did so turn your hair,
 WHEREAS you will lie, few may ponder where,
 Engraved within your hearts, known to all inspired
 Love within your hearts lives forever to aspire.

The Speaker ordered Rep. Lefebvre's poem be printed in the House Journal.

Rep. Lefebvre moved that the House recess.

Adopted.

The House recessed at 2:35 p.m.

RECESS

(Rep. Ann Torr in the Chair)

ENROLLED BILLS REPORT

HB 130, requiring certification of operators of pollution control facilities and relative to renewals of water works operator certificates.

HB 132, relative to the division of water supply and pollution control enforcement orders.

SB 151, directing the commissioner of the department of transportation to complete New Hampshire Route 101.

SB 161, authorizing regional agreements for water resources management and protection plans.

SB 181, making technical changes in certain laws relating to dams.

HB 46, relative to applications for approval of plans for a waste disposal system which contain encroachment waiver requests.

HB 244, allowing museums to obtain title to property loaned for an indefinite time.

HB 302, relative to the setting of the deer season.

HB 189, increasing the minimum wage law.

HB 477, relative to housing standards ordinances.

HB 497, relative to financial responsibility for hazardous waste accidents.

HB 537, authorizing the town of North Hampton to collect taxes for one 18-month accounting period.

HB 154, limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham.

HB 489, relative to utility easements.

HB 565, relative to the state board of education.

HB 657, excepting certain landfills and other waste facilities from local junk yard regulation.

Rep. Mary Ann Lewis

Sen. David P. Currier

For the Committee

HB 38, increasing the legal length of lobster; establishing a lobster management program and creating an advisory committee.

HB 151, continually appropriating revenue from certain OHRV fines.

SB 6, extending the statute of limitations for certain fish and game offenses.

SB 12, relative to the Uniform Gifts to Minors law.

SB 34, nullifying the sunset termination of the port authority scheduled for July 1, 1989.

SB 47, authorizing a day for fishing without a license.

SB 199, relative to the revocation or suspension of fish and game licenses.

Rep. Ann Bourque

For the Committee

SB 17, allowing the wetlands board authority to issue cessation orders pending a hearing.

SB 48, authorizing the sale of a certain parcel of state land to a water district.

SB 135, relative to student literacy.

SB 158, relative to the sale of a manufactured housing park.

SCR 2, recognizing the importance of recycling.

HB 54, adding a member to the water well board.

HB 184, relative to driving left of center of roadways.

HB 523, relative to a privilege for confidential communications between guardian ad litem and child.

HB 729, requiring labeling of solid and hazardous waste collection containers.

Rep. James D. Phelps

Sen. David P. Currier

For the Committee

Rep. Hager moved that the House adjourn.

Adopted.

RECESS

HOUSE JOURNAL No. 21

Tuesday, April 25, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Rev. John B. McCall.

We need a second wind, O God, a burst of energy, a new sense of purpose and direction. As the warm winds of spring surround us, we pause today to remember where we have been and to ponder where we have yet to go.

We have discussed and debated and planned and voted. Some of what we have done has been confirmed and some has been set aside. Some of the seeds we have planted already bear fruit and others will be harvested in years to come. We have felt both satisfaction and frustration.

Grant us, Holy One, a renewed measure of meaning in our work. When we have ceased to care, remind us: all that is necessary for the force of evil to win the world is for enough good people to do nothing. Amen.

Rep. Driscoll led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Manus, Kress, Janet Barry, Lucier, and Russell Chase, the day, illness.

Reps. Beverly Gage, Robert Foster, Lionel Boucher, Gerald Merrill, Callaghan, Lemire, David Young, Caswell, Spencer, Goulet, Donovan, Sochalski, Swope, Hawkins, Upton, Ellen Dube, Sytek, White, Tyree, Phyllis Katsakiores and Vartanian, the day, important business.

Reps. Joseph MacDonald and Bell, the day, illness in the family.

INTRODUCTION OF GUESTS

Don and Jo Fair of Omaha, Nebraska, parents of Rep. Fair; Sam and Ken Fuld of Durham, son and husband of Rep. Amanda Merrill; Jeremy Patten of Derby Line, Vermont, guest of Rep. Fields; Heather Halsey and Jim Paine of the Pollard School in Plaistow, guests of Rep. Haynes; Jeanne Thornton and Janet Pollock of Manchester, guests of Reps. Jenkins and Messier; Pi Ju Yin, her daughter, Catherine and her son, Alex, guests of Rep. Musler; Troy Micklon, son of Rep. Micklon; Norbert Scanlan of Stroudsburg, PA., father of Rep. Scanlan; Jo Ann Wiggin, wife of Rep. Wiggin; Lucille and Stephanie Frechette, wife and granddaughter of Rep. Frechette.

SENATE MESSAGES**CONCURRENCE**

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

HB 34, correcting the references in the laws relating to the division of water resources.

HB 219, relative to filing deeds and instruments with the register of deeds.

HB 277-FN, to prohibit after market tinting on windshields and on certain windows of motor vehicles.

HB 365, relative to automobile transporters.

HB 370-FN, relative to collision coverage deductibles.

HB 375-FN, relative to long term care insurance for the elderly.

HB 488, relative to regional cooperation on solid waste disposal.

HB 505, relative to speed limits on state roads in towns.

HB 680-FN, relative to review of studies on recycling uses for bottom ash.

HB 751, relative to state-issued bonds sold at discount.

NONCONCURRENCE

HB 728, relative to water conservation plumbing fixtures.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 498, relative to publication of information on certain juvenile offenders.

(Amendment printed SJ 14, 4/11/89)

Rep. Bean moved that the House concur.

Adopted.

HB 373-FN, relative to the use of automatic telephone dialing systems. (Amendment printed SJ 14, 4/11/89)

Rep. Christy moved that the House concur.

Adopted.

HB 553, relative to the Wentworth-Douglass Hospital charter. (Amendment printed SJ 16, 4/14/89)

Rep. Flanagan moved that the House concur.

Adopted.

HB 458, granting degree-granting authority to the Thomas More Institute of Liberal Arts. (Amendment printed SJ 16, 4/14/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 93-FN, relative to the board of nursing. (Amendment printed SJ 15, 4/12/89)

Rep. Powers moved that the House concur.

Adopted.

HB 209-FN, establishing a committee to study the accessibility of nursing home care. (Amendment printed SJ 14, 4/11/89)

Rep. Pappas moved that the House concur.

Adopted.

HB 175, relative to bail commissioners' fees. (Amendment printed SJ 15, 4/12/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 476, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts. (Amendment printed SJ 14, 4/11/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 457, relative to municipal regulation of forestry. (Amendment printed SJ 16, 4/14/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 40, relative to intrastate motor carriers. (Amendment printed SJ 15, 4/12/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 112-FN, relative to enforcing the boating laws. (Amendment printed SJ 15, 4/12/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 324, relative to posted school zones. (Amendment printed SJ 15, 4/12/89)

Rep. Gordon moved that the House concur.

Adopted.

ENROLLED BILLS AMENDMENT

HB 148-FN, relative to relocation assistance and real property acquisition.

Amendment

Amend RSA 124-A:6 as inserted by section 1 of the bill by replacing lines 5-11 with the following:

I. Recording fees, transfer taxes and similar expenses incidental to conveying such property;

II. Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date the acquiring agency approves the location of such project; and

III. The pro rata portion of real property taxes paid which are

Amend paragraph III of section 3 of the bill by replacing line 1 with the following:

III. RSA 21-L:12, V, relative to rulemaking authority for application

Amend the bill by renumbering sections 3 and 4 to read as 2 and 3, respectively.

This amendment corrects the section numbers in the bill. This amendment also redesignates certain paragraphs to conform to RSA format and inserts an omitted word.

Adopted.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

SB 127-FN, relative to licensing physical therapists. Ought to Pass.

This bill states that the references required for Physical Therapist II clarification may be references of two physicians licensed in any state, and that requirements for Physical Therapist II in rulemaking shall not exceed requirements in the statute. Vote 13-0. Rep. Miriam D. Dunn for Executive Departments and Administration.

Ordered to third reading.

(Regular Calendar)

SB 79-FN, relative to state employee bargaining rights. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill greatly expands state employee bargaining rights. The Committee felt several of those items properly belong in the hands of management, that is the Division of Personnel, and the Legislature. Vote 10-6. Rep. Maurice B. MacDonald for the Majority of Executive Departments and Administration.

MINORITY: The absence of statutory clarity with regard to matters negotiable between the state and the State Employees Association has impeded equitable bargaining. This bill would allow items now negotiable by other public employees to be negotiated at the state level. Bill proponents believe the inclusion of non-cost items in the list of those able to be bargained could also lead to more productive negotiations in times of tightly constrained resources.

The Minority of the Committee believes agreement could be reached to maintain current administrative rules while the provisions of this bill are implemented. Reps. Wayne M. Burton, A. Theresa Drabinowicz, John A. King, Cecelia D. Kane, Maurice E. Goulet, and Lawrence Richardson for the Minority of Executive Departments and Administration.

Rep. Burton moved that the words, Ought to Pass, be substituted for the report of the Majority. Inexpedient to Legislate, spoke to his motion, and yielded to questions.

Rep. Powers spoke against the motion.

(Deputy Speaker Burns in the Chair)

Rep. McCann spoke in favor of the motion and yielded to questions.

Rep. Maurice MacDonald spoke against the motion and yielded to questions.

(Speaker in the Chair)

Rep. Chambers spoke in favor of the motion.

Rep. Palumbo spoke against the motion.

A roll call was called for. Sufficiently seconded.

YEAS 133

NAYS 193

YEAS 133

BELKNAP

Golden, Paul A.
Richardson, Lawrence

Maviglio, Steven R.
Turner, Robert H.

Rice, Thomas E. P., Jr.

CHESHIRE

Blacketor, Paul G.
Eaton, Daniel A.
Matson, William R.
Spear, Susan S.

Cole, Kenneth A.
Foster, Katherine D.
Pearson, Gertrude B.

Doucette, Richard F.
LaMar, David M.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Kilbride, Dennis J.
Oleson, Otto H.

Dumont, Robert E.
Mayhew, Josephine
Theriahult, Romeo J.

Guay, Lawrence J.
Nelson, Harold D.
Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Eno, Larry E.
Nordgren, Sharon L.

Chambers, Mary P.
Guest, Robert H.

Copenhaver, Marion L.
LaMott, Paul I.

HILLSBOROUGH

Baldizar, Barbara J.
Burkush, Peter A.
Dwyer, Patricia R.
Fields, Dennis H.
Genest, Fernand A.
Hall, Betty B.
Jenkins, Mary

Barry, William M.
Daigle, Robert A.
Dykstra, Leona
Frank, Nancy G.
Green, Scott E.
Healy, Daniel J.
Johnson, Lionel W.

Bourque, Ann J.
Drabinowicz, A. Theresa
Elliott, Larry G.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Jean, Romeo W.
King, John A.

Lefebvre, Roland J.
 McDowell, James E.
 Murphy, Robert E.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Turgeon, Roland M.

Long, Linda D.
 Messier, Irene M.
 Nardi, Theodora P.
 Pepino, Leo P.
 Provost, Gilles R.
 Soucy, Lillian E.

Lown, Elizabeth D.
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Toomey, Daniel

MERRIMACK

Apple, Lowell D.
 Beaton, Nancy C.
 Daneault, Gabriel
 Fillion, Paul R.
 Hill, Michael
 Johnson, C. William
 Trombly, Rick A.

Barberia, Richard A.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Gilbreth, Robert M.
 Holmes, Mary C.
 Pantzer, Eugene E.
 Wallner, Mary Jane

Bardsley, Elizabeth S.
 Carter, Susan D.
 Fair, Patricia A.
 Hayes, Robert C.
 Jacobson, Alf E.
 Provencal, Leo A.
 West, George M.

ROCKINGHAM

Blanchard, MaryAnn N.
 Flanders, John W., Sr.
 Kane, Cecelia D.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Raynowska, Bernard J.
 Rosencrantz, James R.
 Splaine, John E., Sr.
 Weddle, Michael R.

Campbell, Eunice M.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 Micklon, Stephanie K.
 Remick, Barbara R.
 Roulston, Donald L.
 Vaughn, Charles L.
 Wells, Henry E.

Conroy, Janet M.
 Hynes, Carolyn E.
 MacKinnon, Nancy W.
 McCain, William F.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Sanderson, Patricia O.
 Warburton, Calvin

STRAFFORD

Burton, Wayne M.
 Keans, Sandra B.
 O'Brien, John
 Sullivan, Henry P.

Dionne, Albert J.
 McCann, William H., Jr.
 Pelley, Janet R.
 Wall, Janet G.

Gilmore, Gary R.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.

Burling, Peter Hoe

Stamatakis, Carol M.

NAYS 193

BELKNAP

Ballou, Richard A.
 Hardy, Earle D.
 Rosen, Ralph J.

Bolduc, Dennis R.
 Holbrook, Robert G.
 Vogler, Charles C.

Campbell, Richard H., Jr.
 Pearson, Ralph W.
 Ziegra, Alice S.

CARROLL

Allard, Nanci A.
 Dodge, Arthur G., Jr.
 Powers, Gerard E., Jr.

Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Wiggins, Allen R.

Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth

CHESHIRE

Avery, Stephen G.
 Delano, Robert F.
 Hill, Douglas E.
 Metzger, Katherine H.
 Sawyer, Alfred P.

Cole, Stacey W.
 Gordon, Irvin H.
 Hunt, John B.
 Morse, JoAnn T.

Crutchley, Donald O.
 Grodin, Richard A.
 Laurent, John J.
 Perry, David M.

COOS

Buckley, C. Fitzgerald, III
Marsh, Beaton

Horton, Lynn C.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Hill, Richard L.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Larson, Nils H., Jr.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Bennett, Shirley M.
Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Bowers, Dorothy C.
Desrochers, Gerard T.
Domaingue, Jacquelyn M.
Foote, Herbert N., Sr.
Harlan, Susan N.
Hultgren, David D.
Keefe, Edmund M.
Kurk, Neal M.
Lozeau, Donnalee M.
McNerney, Daniel P.
Ouellette, Robert O.
Record, Alice B.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Wihby, Linda S.

Alukonis, David J.
Bicknell, Robert C.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Ford, Nancy M.
Hatch, William H.
Hunter, Bruce F.
Kelley, Robert N.
Lachut, Ervin R.
Mason, Howard F.
McRae, Karen
Pappas, Toni
Riley, Frances L.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Biondi, Christine A.
Cox, Gladys M.
Dodge, Emma M.
Emerton, Lawrence A., Sr.
Guilbert, Lionel
Holden, Carol H.
Jasper, Shawn N.
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou
Moore, Elizabeth A.
Perham, Lester R.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
Gross, Caroline L.
Lewis, Mary Ann
Nichols, Avis B.
Stio, Peter M.
Whittemore, James A.

Boucher, Laurent J.
Hall, Douglas E.
Lockwood, Robert A.
Pfaff, Terence R.
Teague, Bert

Fraser, Leo W., Jr.
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Tolpin, Richard W.

ROCKINGHAM

Benton, Richardson D.
Buco, Stephen W.
Drake, Herbert R.
Fesh, Robert M.
Ford, Bert H.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
King, Roger C.
MacDonald, Maurice B.
McKinney, Betsy
Parr, Ednapearl F.

Brown, Jeffrey M.
Campbell, Marilyn R.
Dube, LeRoy S.
Flanagan, Natalie S.
Forsythe, Douglas G.
Haynes, Richard L.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
Mace, Ada L.
Palazzo, Frank J., Sr.
Parsons, Robert F.

Brown, Lewis W.
Cooke, Annette M.
Felch, Charles H., Sr.
Flanders, Harry E.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Schmidtchen, Rowland

Senter, Marilyn P.
Simon, Peter M.
Sytek, Donna P.

Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur

Sherburne, John L.
Stachowske, Vicki
Welch, David A.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Foss, Patricia H.
Marston, Robert E.
Musler, George T.
Torr, Ann M.
Young, John B.

Bernard, Mary E.
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Parks, Joe B.
Tsiros, William

Bickford, Drucilla
Flynn, Edward J.
Kinney, Paula J.
Meserve, John H.
Stewart, Glenn W.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the motion lost.

Rep. Hager notified the Clerk that she wished to be recorded against the motion.
Resolution adopted.

SB 153-FN-A, establishing a committee to study the AFDC program. Ought to Pass.

The Committee quickly voted 15-0 that a study was long overdue to update the facts regarding Aid to Families with Dependent Children. Documentation has been provided from several locations that the rent for the least expensive apartment is too high for a mother and two children when the mother makes a beginning salary. Other costs of food, eyeglasses, medicine and clothing are very different today than 15 years ago when an attempt to study the issue was begun. The intention is for mothers to learn, develop skills and find a position that will enable them to be independent and get off AFDC. In 1989 there is no way this can be done as all costs have risen, yet salaries have stayed behind. The time is now to study and change the current standard of need, payment standard maximum payments, computation methods and resource rules to create a greater incentive to employment. Rep. Katherine D. Foster for Health, Human Services and Elderly Affairs.

Referred to Appropriations.

SB 100-FN, relative to pari-mutuel racing. Ought to Pass.

This bill extends the present capital improvement plan to June 30, 1994. The commission on win, place and show pari-mutuels will go from 19% to 20% with 1% going to the fund. Additionally, the commission on exotic wagering will remain at 26%, however 1% will go to the capital improvement fund and represents a cost of \$485,000 in revenues that will be offset by 27 additional racing dates and will result in a net loss of revenues of \$30,000 in the first year only. New Hampshire's take out still remains the highest in New England, but the Committee felt that this capital improvement fund was important to keep a competitive edge with other tracks in the area. This bill represents some of the recommendations of the recent Touche Ross report. It was also noted that Massachusetts and Connecticut both have similar capital improvement plans. The goal of this bill is to improve the track facilities and thereby improve attendance, the handle and increase revenues to the state. Vote 13-0. Rep. Lynn C. Horton for Regulated Revenues.

Referred to Appropriations.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Joint Rules be so far suspended as to permit the House to reconsider its action wherein it re-referred to the Committee on Constitutional and Statutory Revision HB 462, eliminating the voter eligibility requirement for notary publics, and the House approving such suspension and reconsideration, consider the bill at the present time.

Rep. Palumbo spoke to the motion.

Adopted by the necessary two-thirds.

RECONSIDERATION

Having voted with the prevailing side, Rep. Flanagan moved that the House reconsider its action whereby it re-referred to the Committee on Constitutional and Statutory Revision HB 462, eliminating the voter eligibility requirement for notary publics.

Adopted.

Rep. Flanagan moved that the words Ought to Pass with Amendment, be substituted for the report of the Committee, Re-refer to Committee, and spoke to her motion.

Adopted.

Rep. Flanagan offered an amendment.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the qualifications for a notary public.

Amend section 1 of the bill by replacing it with the following:

1 Application and Qualifications. RSA 455:2 is repealed and reenacted to read as follows:

455:2 Application and Qualifications. Any person applying to be a notary public shall be at least 18 years of age, lawfully reside in the state of New Hampshire, and be able to read and write. The applicant shall sign a written statement under oath as to whether he has ever been arrested or convicted of a crime that has not been annulled by a court, other than minor traffic violations.

AMENDED ANALYSIS

This bill removes the requirement that a person applying to be a notary public be a registered voter. It requires that the applicant be at least 18 years of age, be a lawful resident of the state, be able to read and write, and have no criminal record.

Amendment adopted.

Ordered to third reading.

REMOVED FROM THE TABLE

Rep. Kurk moved that HB 355, relative to the African Development Bank, be removed from the table.

The Chair being in doubt, called for a division.

180 members having voted in the affirmative, and 114 in the negative, the motion was adopted.

Question now being adoption of the Committee Report, Ought to Pass with Amendment.

Rep. Fraser moved that the words, Re-refer to Committee, be substituted for the report of the Committee, Ought to Pass with Amendment.

Adopted.

Question now being adoption of the substitute report of the Committee, Re-refer to Committee.

Re-refer to Committee.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on the following bills without the required notice.

SB 153-FN-A, establishing a committee to study the AFDC program.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

SB 100-FN, relative to pari-mutuel racing.

Adopted by the necessary two-thirds.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 27 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 127, relative to licensing physical therapists.

HB 462, relative to the qualifications for a notary public.

The Speaker introduced Rep. Patricia Sanderson for the purpose of presiding over a Bicentennial Commission Program commemorating the 200th anniversary of the Inauguration of George Washington as the nation's first President.

Guests included Charles G. Bickford, Executive Director of the New Hampshire Humanities Council, who presented a commendation to the Commission and its Chairman, Rep. Russell C. Chase, Rep. Ednapearl F. Parr, Vice Chairman of the Commission, accepted the commendation. Also present was Mary Louise Hancock, Treasurer of the Commission.

Constitutional Historian Stanley N. Katz of Princeton University addressed the House on the history of the Constitution and Washington's Inaugural and Exaugural speeches.

ENROLLED BILLS REPORT

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor.

HB 241-FN, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics.

HB 292-FN, extending the study and evaluation of state Route 101A corridor in the Nashua region.

HB 762, making supplemental appropriations for fiscal year 1989.

HB 254-FN, establishing a study committee to examine issues relative to the great ponds in the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.

Rep. Mary C. Holmes
Sen. William A. Johnson
For the Committee

Rep. Bean moved that the House stand in recess.

Adopted.

The House recessed at 3:30 p.m.

RECESS

Rep. Burns moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 22

Thursday, April 27, 1989

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Rev. John B. McCall.

God of the Ages, of beginnings and endings, we pray for Your presence in the midst of our labors. We know that You spoke the first word, and that Yours will be the final word. But we are most concerned about what happens in the meantime.

There is much to be done—crying needs to be met. We are faced with conflicting values, and an awareness that we can never address all those things which need remedy. Grant us a sense of peace and of purpose. Remind us we are expected to be just and fair, but that even in our campaigning, we never claimed to be perfect.

Hold us this day, Loving Spirit, lest we be overwhelmed. Teach us again the ancient wisdom that the day's own troubles are sufficient for the day, and even that is putting it mildly! Amen.

Rep. West led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Janet Barry, Ann Derosier, Manus, Pantelakos, Russell Chase, and Cote, the day, illness.

Reps. Musler, Robert Foster, Lionel Boucher, Stachowske, Gerald Merrill, Lemire, David Young, Caswell, Spencer, Goulet, Sochalski, Hawkins, Upton, Mace, Guest, Katherine Wheeler, Skinner, Burkush, Shaw, Susan Harlan, and Shackett, the day, important business.

Rep. Burton, the day, death in the family.

Rep. Joseph MacDonald and Barber, the day, illness in the family.

The 113-member United States Air Force Academy Choir sang several songs.

RECESS

(Deputy Speaker Burns in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 94-FN, relative to pre-admission screening for nursing homes..

HB 237, relative to eviction of tenants with AIDS.

NONCONCURRENCE

HB 341-FN, relative to cosmetologists and pedicurists.

CONCURRENCE WITH AMENDMENTS

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

SB 120-FN, relative to acute care.

SB 47, authorizing a day of fishing without a license.

ACCEDES TO REQUESTS FOR COMMITTEE OF CONFERENCE

HB 288-FN, relative to penalties for aggravated DWI, for negligent homicide, and possession of controlled drugs.

The President appointed Sens. Podles, Preston and Roberge.

HB 70-A, establishing a study committee to examine the vocational education system.

The President appointed Sens. Dupont, Blaisdell and Disnard.

HB 384-FN, establishing a task force to review the recommendations of the Manchester airport and highway study.

The President appointed Sens. Podles, St. Jean and Charbonneau.

ENROLLED BILLS AMENDMENT

SB 49-FN-A, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program.

Amend the bill by replacing lines 2 and 3 of section 1 of the bill with the following:

RSA 21-N:6, VII to read as follows:

VII. Collecting and compiling data from the statewide testing program

1989, Chapter 49 (HB 71) recodified RSA 21-N:7, X to RSA 21-N:6, VII. This amendment incorporates the substantive change made in this bill to RSA 21-N:7, X into the recodified version.

Adopted.

COMMUNICATION

James Chandler
Clerk of the House of Representatives

April 26, 1989

Dear Mr. Chandle:

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council on this day:

Hillsborough County District No. 13 (Merrimack)
Jacqueline J. Flood, d, Merrimack (20 Parkhurst Road) 03054

Hillsborough County District No. 26 (Nashua-Ward 9)
Frederick B. Andrews, r, Nashua (41 Monica Drive) 03062

Karen H. Ladd
Assistant Secretary of State

The Speaker introduced Rep. Andrews to the House.

Rep. Andrews was appointed to the Committee on Regulated Revenues.

Rep. Flood was appointed to the Committee on Ways and Means.

INTRODUCTION OF GUESTS

Kari Watson of Marysville, CA, and Marvin Houston of Manton, CA, guests of Rep. Stio; R. Neal Kimball of Salem, grandson of Rep. Beverly Gage; Daniel and Frances Blanchard, and Lisa Neslusan from the Dondero School in Portsmouth, guests of Rep. Blanchard; Helen Schotanus, wife of Rep. Schotanus; Lonnie Cherry, grandson of Rep. Bell; Priscilla A. Brown, wife of Rep. Lewis Brown; Hope MacDonald, wife of Rep. Kenneth MacDonald; Heather, Ian and Jesse Beaton, children of Rep. Beaton; Toba Budnitz and her daughter Hanna of Nashua, and Adam and Benjamin Pignatelli, guests of Rep. Pignatelli; Kristen, Jonathan and Mrs. Theresa Nahil, guests of Rep. Jenkins; Scott Burns, son of Rep. Burns; Helen, Nancy, Laura, Sheri, Rebecca and Major David West, family of Rep. West and Edna Woodman, guests of Rep. West; the Salem Assembly of Rainbow Girls #26, Samantha Wood and

Mrs. Wood, guests of Rep. Miklon; Sheila Colby and her children Marissa, Patrick and Matthew and Kathleen and Jonathan Willey, guests of Rep. Holmes; Judd and Theo Alexander, John R. Burke, Terry Serie and Karen Hilo, guests of Rep. Guay.

SENATE MESSAGE

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 108-FN, relative to the Skyhaven airport in Rochester.

The President appointed Sens. Dupont, Torr and Preston.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Phelps, Channing Brown, David Wheeler and Callaghan.

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 174-FN, relative to regulation of estheticians, was removed at the request of Rep. Kurk.

SB 64-FN, relative to asbestos management penalties, was removed at the request of Rep. Lefebvre.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence, was removed at the request of Rep. Trombly.

SB 23, relative to the executive director of the liquor commission, was removed at the request of Rep. White.

Adopted.

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula. Ought to Pass with Amendment.

This bill continues to distribute sweepstakes revenue through the Augenblick Formula. The three distributions, however, would include net sweepstakes revenues from the previous period. Sweepstakes revenue will be continual and appropriated to and distributed by the Department of Education. Vote 17-0. Rep. Gertrude B. Pearson for Education.

Amendment

Amend the bill by replacing section 2 with the following:

2 "Continually Appropriated and Distributed" Defined. Amend RSA 284:21-j, I to read as follows:

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E. Any balance left in said special fund after such expenses are paid shall be continually appropriated *to the department of education for expenditure and distribution* for the sole purpose of funding state aid to education under RSA 198:27-33. *For purposes of this section, "continually appropriated and distributed" means that sweepstakes revenues which are available for distribution under RSA 198:27-33, whether equal to or exceeding amounts estimated, shall be constantly transfer-*

red to the foundation aid fund, and that the expenditure class or classes shall be increased at the same time and by the same amount so that the amount of sweepstakes revenues to be distributed under RSA 198:27-33 shall not be limited by the amount appropriated. In no event shall such distribution of sweepstakes revenues be made which amounts to less than the amount appropriated for the purpose of funding foundation aid in the operating budget for the fiscal year.

AMENDED ANALYSIS

This bill changes the law relative to the distribution of sweepstakes revenues through the foundation aid formula by requiring that the appropriation made in the operating budget be automatically increased by the amount of sweepstakes revenues which are received in excess of the amount originally estimated for that period.

The bill also requires sweepstakes revenues to be continually appropriated to and distributed by the department of education.

Referred to Appropriations.

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning. Ought to Pass with Amendment.

This bill requires the Office of State Planning to establish two nonlapsing revolving funds; one for the production of printed publications, and one for providing training to local and regional officials. No appropriation is authorized for the initial capitalization of either fund. Any funds in excess of \$20,000 in either fund as of June 30 of any year shall lapse to the state general fund. The Committee amendment provides that the amount that may be charged for any publication is to be based upon the cost of producing that publication. Similarly, the amount that may be charged for training is to be based upon the cost of providing that training. Vote 14-0. Rep. Paul R. Fillion for Executive Departments and Administration.

Amendment

Amend the introductory paragraph and paragraph I of RSA 4-C:9-a as inserted by section 1 of the bill by replacing them with the following:

4-C:9-a Revolving Funds. In order to enhance its ability to provide education and training assistance to municipalities and regional agencies, the following nonlapsing revolving funds, which shall not exceed \$20,000 on June 30, of each year, shall be established in the office of state planning:

I. A revolving fund known as the publications revolving fund.

(a) The moneys in this fund shall be used for the purposes of printing materials for distribution. A reasonable charge shall be established for each copy of a document. This charge shall be only in the amount necessary to pay the cost of producing such document.

(b) The amount in the nonlapsing publications revolving fund shall not exceed \$20,000, on June 30, of each year and any amounts in excess of \$20,000 on June 30, of each year shall be deposited in the general fund as unrestricted revenue.

Amend RSA 4-C:9-a, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The amount in the nonlapsing municipal and regional training revolving fund shall not exceed \$20,000 on June 30, of each year and any amounts in excess of \$20,000 on June 30, of each year shall be deposited in the general fund as unrestricted revenue.

AMENDED ANALYSIS

This bill requires the office of state planning to establish nonlapsing revolving funds for municipal and regional training and for publications. These funds are not to exceed \$20,000 on June 30 of any year and any excess funds on that date will go to the general fund as unrestricted revenue.

Referred to Appropriations.

SB 43-FN, relative to licensing engineers, architects, and land surveyors. Ought to Pass with Amendment.

This bill was requested by the Board of Engineers, Architects, Land Surveyors and Natural Scientists. It will provide for temporary permits for non-resident engineers, and land surveyors, changes the date of license for renewal for engineers, architects, land surveyors and soil scientists and also provides that a roster of engineers and architects need be distributed only to resident engineers and architects. This bill allows the Board to accept education and experience in place of basic engineering examination. The amendment allows practitioners who have actively engaged in practice of soil science for at least one year to apply for certification without examination. The Fiscal Note calls for state expenditures of \$58 in FY90 and \$70 in FY91. Vote 14-0. Rep. Merton S. Dyer for Executive Departments and Administration.

Amendment

Amend the bill by inserting after section 22 the following and renumbering the original sections 23 - 26 to read as 24, 25, 26, and 27 respectively:

23 Soil Science Practitioners. Amend RSA 310-A:91 to read as follows:

310-A:91 Waiver

From June 30, 1988, to December 31, 1989, any person [engaged in the practice of soil science, as defined in this subdivision, on June 30, 1988,] who has actively [practiced] *engaged in the practice of soil science, as defined in the subdivision*, for at least one year prior to [June 30,] *December 31*, 1988, may apply to the board for certification without examination. The board shall approve such application, provided the applicant meets the educational requirements under RSA 310-A:84, I(a), (b), or (c).

SB 88-FN, providing a cost of living adjustment for certain group I members. Ought to Pass with Amendment.

This bill amends the New Hampshire Retirement System statutes by (1) explaining the uses for special account funds; (2) reversing how supplemental allowances on cost of living adjustments are granted; (3) by first confirming all existing additions (COLAs) and making temporary COLAs permanent; then repealing the statutory provisions that granted them and that have no further application. The funding will be terminally funded from the special account created by RSA 100-A:16, II (h). Vote 13-0. Rep. Lawrence Richardson for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a cost of living adjustment for certain group I members, and relative to the method for granting supplemental allowances to New Hampshire retirement system members.

Amend the bill by replacing all after the enacting clause with the following:

1 Method of Financing; State Annuity Accumulation Fund. Amend RSA 100-A:16, II(h) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earnings of the special account assets, plus all of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees. The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits [for retired members of the retirement system] *as follows: first, to provide supplemental allowances pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional retirement benefits for active members of the retirement system.*

2 New Section; Supplemental Allowance. Amend RSA 100-A by inserting after section 41 the following new section:

100-A:41-a Supplemental Allowances.

I. Any member of the New Hampshire retirement system or any of its predecessor systems, after retirement, or any beneficiary of such member who is receiving a monthly allowance, shall be entitled to receive supplemental allowances, which may also be referred to as cost of living adjustments or COLA's, if and when enacted by the legislature. Any such supplemental allowance when granted by the legislature shall become a permanent addition to the beneficiary's base retirement allowance, and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13 or similar provisions of predecessor systems.

II. The granting of any such supplemental allowance, or of any increase in supplemental allowances, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h), or from such other source as the legislature may determine.

III. Each supplemental allowance, when granted, shall be determined as a percentage based on the compounded sum of the base retirement allowance plus all previously-granted supplemental allowances. "Base retirement allowance", for the purpose of determining supplemental allowances, shall mean the allowance provided by RSA 100-A:5 through 100-A:19-h, or similar provisions of predecessor retirement systems, as of the day before the effective date of the supplemental allowance. No supplemental allowance granted shall thereafter be affected by any subsequent change in the base allowance.

IV. Each supplemental allowance, when granted, shall apply to the retired member's service retirement benefits as provided in RSA 100-A:5, or to disability retirement benefits as provided in RSA 100-A:6, or to the annuity of the beneficiary of a deceased member's death benefit as provided in RSA 100-A:8 or 9, or to vested

deferred retirement benefits as provided in RSA 100-A:10, or to any optional retirement allowance that the member may have elected under RSA 100-A:13, or to the annuity of a beneficiary of a deceased retired member who elected an option providing for a survivor annuity under RSA 100-A:13, or to split benefits as provided in RSA 100-A:19-a through 19-h, or to benefits provided under former RSA 100, RSA 102, RSA 103, or RSA 192.

V. All supplemental or additional allowances granted under the present or former provisions of this subdivision and in effect as of June 30, 1989, are confirmed as permanent supplemental allowances under this section. All temporary additional allowances granted under 1988, 193:12 as of July 1, 1988, are hereby made permanent supplemental allowances under this section. The accumulated totals of all increases granted to teachers retired prior to July 1957 by amendment to RSA 192:30 and in effect as of June 30, 1989, are confirmed as supplemental allowances under this section, and any future supplemental allowances granted to such teachers shall be in lieu of any further increase under RSA 192:30.

3 New Subdivision Heading. Amend RSA 100-A by inserting before section 43-c the following new subdivision heading:

Withdrawal

4 Repeal. The following are repealed:

- I. RSA 100-A:40, relative to supplementary allowances for state policemen.
- II. RSA 100-A:42, relative to supplementary allowances for municipal employees.
- III. RSA 100-A:42-a, relative to additional allowances in general.
- IV. RSA 100-A:42-b, relative to additional allowances.
- V. RSA 100-A:42-c, relative to additional allowances.
- VI. RSA 192, relative to the teachers' retirement system.

5 Method of Funding. The total actuarial cost of funding RSA 100-A:41-a, V, as inserted by section 2 of this act, shall be terminally funded from the special account created by RSA 100-A:16, II(h), as of June 30, 1989.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

During the 1988 session of the general court, the social security offset provision for group I members of the retirement system was eliminated. Chapter 193 of the laws of 1988 provided that if the recalculation of benefits resulting from the elimination of this provision for any retired group I member who retired prior to July 1, 1987, resulted in an increase of less than 5 percent of the member's current total retirement allowance, such a sum would be added to the allowance so that the retired member would receive a total increase equal to 5 percent. This additional allowance was to be in effect for the fiscal year ending June 30, 1989.

This bill also amends the New Hampshire retirement system statutes by:

- (1) Explaining the uses for special account funds; and
- (2) Revising how supplemental allowances or cost of living adjustments are granted.

Referred to Appropriations.

SB 89-FN, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes. Ought to Pass with Amendment.

This bill provides the normal five percent Cost of Living Adjustment as a permanent part of the member's retirement payment who retired prior to July 1, 1988, funded from the Special Account as of June 30, 1989, and establishes a study committee on state paid group hospitalization and medical insurance for retired state employees. The state of New Hampshire needs an explicit definition of "retired state employee." Vote 15-0. Rep. Kenneth J. MacDonald for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 5 percent cost of living adjustment for group I retirement system members and establishing a committee to study insurance and medical benefits for retired state employees.

Amend the bill by replacing all after the enacting clause with the following:

1 Group I Cost of Living Adjustment. As of July 1, 1989, all group I beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1988, and who are receiving retirement allowances according to RSA 100-A, RSA 100, or RSA 192, except teachers retired prior to July 1957, shall receive an additional allowance of 5 percent. The additional allowance shall be compounded on any previously granted allowance and shall become a permanent part of each beneficiary's retirement allowance, as provided in RSA 100-A:42-a.

2 Funding of Additional Allowances. The total actuarial cost of providing additional allowances as provided in section 1 of this act shall be funded from the special account created by RSA 100-A:16, II(h), as of June 30, 1989.

3 Study Committee Established. There is hereby established a study committee to consider the eligibility for state-paid group hospitalization and medical insurance for retired state employees provided under RSA 21-I:26-36, and to recommend legislation for the 1990 legislative session to correct serious problems that now exist because of a lack of clear eligibility requirements in present law.

4 Membership. The committee shall consist of 7 members, as follows:

I. Two members of the house executive departments and administration committee and one member of the house appropriations committee, to be appointed by the speaker of the house of representatives.

II. Two members of the senate insurance committee and one member of the senate finance committee, to be appointed by the president of the senate.

III. One member to be appointed by the governor.

5 Appointments. The appointments of the members listed in section 4 of this act shall be made within 20 days of the effective date of this act. Members shall serve without compensation, except that legislative members shall receive legislative mileage.

6 Chairman; Meetings; Quorum. The organizational meeting of the committee shall be called by the first-named house member. The committee shall elect a chairman from among its members. The committee shall meet at least monthly. Four members shall constitute a quorum. Decisions shall be reached by a simple majority of the members present and voting.

7 Duties. The committees shall consider an amendment to RSA 21-I:30 to include an explicit definition of "retired state employee" for purposes of receiving state-paid group insurance for medical and surgical benefits. The committee shall consider:

I. Whether there should be a minimum service requirement for eligibility, and if so, how much service should be required.

II. Whether vested deferred retirees should be eligible.

III. Whether members taking reduced early retirement should be eligible, in whole or in part.

IV. Whether employees whose state service is terminated before retirement, other than vested deferred retirees, should be eligible.

V. Whether surviving spouses or other beneficiaries of deceased retirees, or of employees who died while in service, should be eligible, and if so, under what conditions.

VI. Whether any reduction in eligibility that may result from legislation proposed by the committee should apply to any or all present employees upon their termination or retirement.

VII. Any other subject that may be relevant to eligibility for state-paid group insurance for retired state employees.

8 Report; Findings. The committee shall submit a report of its findings to the governor, the speaker of the house of representatives, and the president of the senate no later than December 1, 1989. The committee shall make recommendations for proposed legislation for the 1990 legislative session.

9 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group I New Hampshire retirement system beneficiaries who retired prior to July 1, 1988, effective July 1, 1989. The additional allowance becomes a permanent part of the beneficiary's retirement allowance, and shall be compounded on any previously granted allowance.

Funding for the additional allowances comes from the retirement system special account, RSA 100-A:16, II(h), as of June 30, 1989.

The bill also establishes a committee to study the eligibility for state-paid group hospitalization and medical insurance for retired state employees as provided under RSA 21-I:26-36. The committee must make its report, together with any proposed legislation, no later than December 1, 1989.

Referred to Appropriations.

SB 90-FN, providing a 4 percent cost of living adjustment for group II members. Ought to Pass with Amendment.

Senate Bill 90 grants a 2% COLA to Group II members who retired prior to July 1, 1988. The bill also provides that legislation also be considered in 1990 for an additional 4% COLA upon legislation finding that sufficient funds are available. Funding is from the Special Account. Vote 13-0. Rep. John A. King for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a cost of living adjustment for group II members.

Amend the bill by replacing section 1 with the following:

1 Additional Allowance; Group II.

I. As of July 1, 1989, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1988, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of 2 percent. The additional allowance shall become a permanent part of each beneficiary's base retirement allowance, as provided in RSA 100-A:42-a.

II. As of July 1, 1990, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired prior to July 1, 1989, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall be entitled to receive an additional allowance of 4 percent if and when enacted by the legislature, and upon a finding by the legislature that sufficient funding is available. The granting of an additional allowance under this paragraph, shall be contingent on terminal funding of the total actuarial cost thereof at the time of granting. Such terminal funding shall be from the special account established under RSA 100-A:16, II(h), or from such other source as the legislature may determine. The additional allowance if and when granted by the legislature shall become a permanent part of each beneficiary's base retirement allowance, as provided in RSA 100-A:42-a.

Amend the bill by replacing section 2 with the following:

2 Funding of Additional Allowance. The total actuarial cost of providing additional allowances as provided in paragraph I of section 1 of this act shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1989.

AMENDED ANALYSIS

This bill provides a 2 percent cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired prior to July 1, 1988, effective July 1, 1989. The bill also provides a contingent 4 percent cost of living adjustment for those same beneficiaries who retired prior to July 1, 1989, effective July 1, 1990, upon a finding by the legislature that sufficient funding is available. The additional allowances become a permanent part of the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the retirement system special account, RSA 100-A:16, II(h). Funding for the contingent allowance also comes from the special account, or from such other source as the legislature may determine.

Referred to Appropriations.

SB 91-FN, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957. Ought to Pass with Amendment.

This bill provides a 20% COLA for the nine remaining teachers who retired before July 1957, on the old teachers' retirement system without Social Security. Cost is \$38,000 from the retirement system special account. As amended, the bill also corrects a "fell through the crack" problem for one person whose job was transferred from state employment to university system employment back in 1963. Vote 14-0. Rep. Richard H. Campbell for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 20 percent cost of living adjustment for teachers retired prior to July 1, 1957, and relative to retirement benefits for combined state and university system service.

Amend the bill by replacing all after the enacting clause with the following:

1 Cost of Living Adjustment. As of July 1, 1989, all teachers retired prior to July 1, 1957, who are receiving benefits under RSA 192 on June 30, 1989, shall receive an additional allowance of 20 percent computed on the cumulated sum of the retiree's base allowance plus all previously granted additional or supplemental allowance in effect on June 30, 1989. The additional allowance shall become a permanent part of each beneficiary's retirement allowance.

2 Method of Funding. The total actuarial cost of funding section 1 of this act shall be terminally funded from the special account created by RSA 100-A:16, II(h), as of June 30, 1989.

3 State Employee Benefits. Notwithstanding any other provision of law, any person who has served at least 5 years as a full-time state employee, and who was then transferred to the state university system, and who elected to continue as a member of the state employees' retirement system, a predecessor system of the New Hampshire retirement system, former RSA 100, in accordance with the provisions of 1963, 303:II, I, shall upon retirement be entitled to all benefits, including, but not limited to, benefits under RSA 100-A and RSA 21-I:26-30, to which he would be eligible as a retired state employee if the combined service for the state and for the university system had all been state employment. The benefits authorized under this section shall apply prospectively from the effective date of this act, irrespective of the date of retirement.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides a 20 percent cost of living adjustment for teachers who retired prior to July 1957.

Funding for the additional allowance comes from the retirement system special account, RSA 100-A:16, II(h).

The bill also specifies what retirement benefits a person is eligible to receive when that person worked both as a state employee and as a university system employee, and elected to continue as a member of RSA 100, the predecessor system of the New Hampshire retirement system.

Referred to Appropriations.

SB 122-FN, relative to member retirement deductions for certain group II members. Ought to Pass.

This bill provides that if a Group II member of the New Hampshire Retirement System has 40 years or more of creditable service, the retirement system will stop taking payroll deductions from the member for annuity purposes. This would be an incentive for experienced employees to stay longer in state service. Vote 13-0. Rep. John A. King for Executive Departments and Administration.

Referred to Appropriations.

SB 168-FN, establishing a division of fire service. Ought to Pass.

This bill establishes a Division of Fire Service within the Department of Safety with a Director of Fire Service. The Division will consist of two Bureaus (1) Bureau of Fire Safety headed by the Fire Marshal along with the Board of Fire Control and, (2) the Bureau of Standards and Training with a Chief of Fire Training along with the Fire Standards and Training Commission. It places the Chief of Fire Training and instructors who have technical firefighting, rescue and hazardous materials duties, in group II of the New Hampshire Retirement System. The bill modifies the Standards and Training Commission by replacing the Fire Marshal with a representative of the Fire Prevention Society. Vote 12-2. Rep. Merton S. Dyer for Executive Departments and Administration.

Referred to Appropriations.

SB 185-FN, establishing a board of natural scientists study committee. Ought to Pass.

This bill creates a seven-member study committee to determine how to expand the Board of Natural Scientists to include licensing of related scientific professions including geologists. The Committee will report to the Legislature on or before September 1, 1989. Vote 13-0. Rep. Barbara A. Upton for Executive Departments and Administration.

SB 192-FN, relative to certification of landscape architects. Inexpedient to Legislate.

This bill provides for certification of landscape architects. Conflicting testimony in regard to many features in the bill indicated that the bill requires extensive changes. The Committee feels that the parameters of work between landscape architects, land surveyors, and engineers must be clearly defined before this legislation could be enacted. Vote 14-0. Rep. Randall F. Shaw for Executive Departments and Administration.

SB 8, relative to workers' compensation coverage of firemen. Ought to Pass.

The Committee agrees that the New Hampshire State Firemen's Association is an excellent organization and hopes that all firefighters would support it. However, the Committee thinks the law as it is now written is unfair and could be unconstitutional. Passage of this bill is necessary and fair. Vote 10-1. Rep. Henry E. Wells for Labor, Industrial and Rehabilitative Services.

SB 13, relative to the definition of legislative and governing bodies of municipalities. Ought to Pass with Amendment.

This bill expands and defines a legislative body as town meeting, school district meeting, village district meeting, city or town council, mayor and council, mayor and board of aldermen, or when used to refer to unincorporated towns or unorganized places, or both, the county convention.

Furthermore, the term governing body shall mean the board of selectmen in a town, the board of aldermen or council in a city or town with a town council, the school board in a school district, the village district commissioners in a village district or when used to refer to unincorporated towns or unorganized places, or both, the county commissioners.

The amendment makes SB 13 consistent with HB 531 previously passed by the House. Vote 15-0. Rep. George M. West for Municipal and County Government.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Sections; Definitions. Amend RSA 21 by inserting after section 46 the following new sections:

21:47 Legislative Body. When used to refer to a municipality, and in the absence of applicable chapter or subdivision definitions, the term "legislative body" shall mean a town meeting, school district meeting, village district meeting, city or town council, mayor and council, mayor and board of aldermen, or, when used to refer to unincorporated towns or unorganized places, or both, the county convention.

21:48 Governing Body. When used to refer to a municipality, and in the absence of applicable chapter or subdivision definitions, the term "governing body" shall mean the board of selectmen in a town, the board of aldermen or council in a city or town with a town council, the school board in a school district or the village district commissioners in a village district, or when used to refer to unincorporated towns or unorganized places, or both, the county commissioners.

AMENDED ANALYSIS

This bill defines a legislative body as a town meeting, village district meeting, school district meeting, city or town council, mayor and council, mayor and board of aldermen, or county convention for unincorporated towns or unorganized places, or both. The bill defines governing body as a board of selectmen in a town, the school board in a school district, board of aldermen or council in a city or town with a town council, or the village district commissioners in a village district, or the county commissioners for unincorporated towns or unorganized places, or both. These definitions will be applicable throughout the RSA's unless the terms are otherwise defined within a chapter or subdivision.

SB 128, relative to subdivision approval by planning boards. Inexpedient to Legislate.

The Committee felt that to approve a subdivision without a hearing by the planning board is putting the town at risk regarding a number of minor subdivisions that may, in the long run, have a major impact. Vote 15-0. Rep. Katherine H. Metzger for Municipal and County Government.

SB 139-FN, relative to notifying property owners of zoning changes. Inexpedient to Legislate.

Planning boards are currently able to mail written notices of public hearings and are required to advertise and post notices. Testimony indicated that if this legislation were enacted and a community chose to adopt its provisions, that community could be subject to court penalty for not exercising all of the powers which would be permitted under law. The Committee considered the bill unnecessary and potentially costly. Vote 17-0. Rep. Karen O. Wadsworth for Municipal and County Government.

SB 145-FN, to authorize municipalities to establish special revenue funds. Ought to Pass.

This bill authorizes municipalities to establish special revenue funds that are legally restricted to expenditures for specified purposes.

This bill met with no opposition and was supported by the New Hampshire Municipal Association and New Hampshire Government Finance Officers Association. Vote 14-0. Rep. Katherine H. Metzger for Municipal and County Government.

SB 166, relative to modifying planning board procedures on plats and relative to invalid zoning ordinances and appeals to the superior court. Inexpedient to Legislate.

As amended by the Senate, this bill would eliminate the requirement that a planning board specify what constitutes a completed application and it would allow for automatic approval of subdivisions unless the planning board acted within 90 days of application submission. The Committee finds the bill to be technically flawed, and more punitive than helpful to our communities. Vote 13-0. Rep. Thomas E. Scharff for Municipal and County Government.

SB 73-FN, establishing a committee to study taxing all tobacco products. Ought to Pass with Amendment.

This bill establishes a committee to study how/if tobacco should be taxed including smokeless tobacco. The amendment adds one representative from the medical profession, appointed by the Speaker of the House, and one representative from the Retail Grocers Association, appointed by the President of the Senate, to the original proposed committee. Vote 14-2. Rep. Vicki Stachowske for Regulated Revenues.

Amendment

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The committee shall consist of the following members:

- (a) Two members of the senate appointed by the president of the senate.
- (b) Two members of the house of representatives appointed by the speaker of the house.
- (c) One member of the house ways and means committee appointed by the speaker of the house.
- (d) One member of the senate ways and means committee appointed by the senate president.
- (e) The governor or his designee.
- (f) The commissioner of the department of revenue administration or his designee.
- (g) One representative from the tobacco industry, to be appointed by the governor.
- (h) One representative from the cigar industry, to be appointed by the speaker of the house.
- (i) One representative from the smokeless tobacco industry, to be appointed by the president of the senate.
- (j) One representative from the medical profession, appointed by the speaker of the house.
- (k) One representative from the Retail Grocers' Association, appointed by the president of the senate.

SB 10, repealing a chapter on floating timber and damage therefrom. Ought to Pass with Amendment.

The amended version of this bill removes the paradox of the permitting in three places and the bureaucratic stalling of getting the permits to float timber, which is legal in this state. This also makes the person floating timber liable for damages caused by the floating of timber. This bill also gives the permit authority to Department of Resources and Economic Development, which is the logical place to put the authority. Vote 13-0. Rep. Allen R. Wiggin for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to floating timber.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Permit Required. Amend RSA 489 by inserting after section 1 the following new section:

489:1-a Permit Required. An owner or person in charge of the logs or timber regulated under the provisions of this chapter shall apply for a permit prior to commencing floating timber on the surface water of the state. Notwithstanding any law or rule to the contrary, the authority to regulate and permit floating timber shall be exclusively established with the division of forests and lands, department of resources and economic development.

2 Rules. Amend RSA 218:5, III to read as follows:

III. The commissioner of the department of resources and economic development shall adopt rules under RSA 541-A relative to:

- (a) The protection of forests and lands;
- (b) The improvement of forests and lands; [and]
- (c) The extension of forests and lands[.]; *and*
- (d) The regulation and permitting of floating timber, pursuant to RSA 489:1-*

a.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires owners or persons in charge of logs or timber to apply for a permit prior to floating timber on surface waters of the state. The bill gives exclusive authority to regulate floating timbers to the division of forests and lands, department of resources and economic development.

SB 163-FN, relative to power production capacity of certain small power production facilities. Ought to Pass with Amendment.

The Committee amended this bill in order to increase power production at the lowest possible cost. The amendment will allow all small power production facilities to have a capacity of up to 30 megawatts. The amended bill also allows both present and future small power production facilities that are subject to rate orders issued by the Public Utilities Commission to increase capacity up to the 30 megawatt limit. The additional power sold will be paid at current market rates while the old rates will be maintained for the power they are already producing. The existing rates and orders will continue in effect for the original small power production facility. It is the Committee's intention that any small power production facility that increases its size must comply with applicable law on environmental regulation or other applicable regulatory approvals. Vote 8-0. Rep. David B. Wright for Science, Technology and Energy.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change; Definition. Amend RSA 362-A:1-a, X to read as follows:

X. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof and which has a power production capacity

which, together with any other facility located at the same site, as determined by the commission, is not greater than [20] **30** megawatts.

2 New Section; Additions to Capacity. Amend RSA 362-A:4 by inserting after section 4 the following new section:

362-A:4-a Additions to Capacity of Small Power Production Facilities. Any qualifying small power production facility already subject to rates established by order of the commission may increase its capacity and energy or energy, provided it continues to be a small power production facility. Any capacity additions and the associated energy additions or the energy additions to such qualifying small power production facility shall be purchased in accordance with applicable law and may be purchased under a contract. Such capacity addition and associated energy additions or energy additions shall not be purchased under the rates established by existing orders of the commission. Such rates and orders shall otherwise remain applicable to the qualifying small power production facility.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill allows certain existing small power production facilities to increase their power production capacity to a maximum of 30 megawatts. By definition, the power production capacity of small power production facilities may not now exceed 20 megawatts. The power produced attributable to the increased size may be sold under applicable federal and state law or by contract, but shall not be sold under the existing power sales arrangement of the small power production facility.

SB 106-FN, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor. Ought to Pass with Amendment.

A new temporary motor vehicle driver's licensing program will be established with the purpose of processing approximately 40,000 yearly drivers license applications by operators from other states and countries. In addition, the temporary drivers license will protect the Department of Safety from issuing full licenses to drivers before checking on their records. Long range provisions in SB 106 pave the way for the State of New Hampshire to interact with the national licensing register system scheduled to be operational at some future date. Vote 14-0. Rep. George N. Katsakiores for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to issuing temporary driver's licenses to new
residents and authorizing additional positions for
the department of safety and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Application by New Resident. Amend RSA 263 by inserting after section 5 the following new section:

263:5-a Application by New Resident.

I. When a person who has established residency as provided in RSA 263:35 applies for a driver's license the director shall not issue a driver's license to the applicant until he has:

- (a) Determined the validity of all licenses being surrendered; and
- (b) Secured a certified copy of the motor vehicle record or records on file in the jurisdiction or jurisdictions of the licenses being surrendered.

II. The director shall establish a new driver record for a person who applies for a driver's license as described in paragraph I and shall include any conviction for an offense which occurred in another jurisdiction as long as such an offense if committed in this state, would have been included in the driver record.

III. The director may issue a temporary driver's license to a person who applies for a license under paragraph I until he receives the record and determines whether the person should be granted a driver's license. The director may refuse to issue a temporary driver's license to a person who is under suspension or revocation in another jurisdiction or who would present a hazard to the safety of others.

IV. The period for the temporary license may be extended or the temporary license renewed if the applicant would qualify for a driver's license suspension or revocation under the laws and rules of this state, until an opportunity for a hearing has been provided and a decision made on whether to issue a license.

V. In the event that a national driver record repository is established the director may satisfy the requirements of subparagraph I(b) by obtaining the applicant's record from the repository.

VI. A person who applies for a driver's license under paragraph I and provides false information shall be subject to the provisions of RSA 260:10 and RSA 263:12.

2 Rulemaking Authority. Amend RSA 21-P:14, IV by inserting after subparagraph (l) the following new subparagraph:

(m) Temporary driver's licenses, including procedures for the issuance, revocation, form, and other related matters, as authorized by RSA 263:5-a.

3 Department of Safety: New Positions and Equipment.

I. In addition to any other sums appropriated to the division of motor vehicles, department of safety:

(a) The sum of \$149,643 is appropriated for the fiscal year ending June 30, 1990, and the sum of \$156,251 is appropriated for the fiscal year ending June 30, 1991, for the following department of safety permanent full-time classified personnel:

- (1) One supervisor, labor grade 12.
- (2) Two data control clerks II, labor grade 9.
- (3) Two data entry operators III, labor grade 7.
- (4) Four secretary typists I, labor grade 4.

(b) The sum of \$12,390 is appropriated for the fiscal year ending June 30, 1990, for equipment for the personnel authorized under paragraph I.

II. The appropriations made in paragraph I shall be a charge against the highway fund.

4 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill authorizes the director of the division of motor vehicles to issue temporary driver's licenses to new residents while he checks the person's motor vehicle records in the jurisdiction of the person's prior residence.

The bill also makes appropriations for fiscal year 1990 and fiscal year 1991 from the highway fund to the division of motor vehicles for the purposes of funding new positions for the department of safety.

Referred to Appropriations.

COMMITTEE REPORTS

(Regular Calendar)

SB 69-FN, establishing the home mortgage guarantee authority. Ought to Pass with Amendment.

The bill as amended gives parties with diverse opinions a chance to assimilate the information presented—although the need the bill seeks to alleviate is admitted, the bill as such needs revisions. Vote 11-1. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a study committee relative to a home
mortgage guarantee authority

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties.

I. There is established a committee to investigate the feasibility of forming a home mortgage guarantee authority to be administratively attached to the New Hampshire housing finance authority. The members of the committee shall be as follows:

(a) The insurance commissioner.

(b) The state treasurer.

(c) One member of the house of representatives appointed by the speaker of the house.

(d) One member of the senate appointed by the president of the senate.

(e) A representative from the mortgage insurance industry appointed by the governor.

(f) A representative from the Mortgage Bankers Association appointed by that association.

(g) The executive director of the New Hampshire housing finance authority or her designee.

II. The primary duties of the committee shall be to study the feasibility of establishing a home mortgage guarantee authority to be administratively attached to the New Hampshire housing finance authority and to make recommendations for proposed legislation.

2 Report. The committee shall submit a report with its findings and recommendations together with any proposed legislation to the speaker of the house, president of the senate and the governor no later than September 30, 1989.

3 Compensation. The members of the committee shall serve without compensation, except that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a study committee to investigate the feasibility of forming a home mortgage guarantee authority to be administratively attached to the New Hampshire housing finance authority.

The bill requires the committee to submit a report with its findings and recommendations to the speaker of the house, president of the senate and the governor no later than September 30, 1989.

Amendment adopted.

Ordered to third reading.

SB 137-FN, relative to the language, phrasing, and explanation of ballot questions. Inexpedient to Legislate.

The majority of the Committee feels this bill is unnecessary. The bill creates an additional committee to do work more appropriately done by existing committees, nor is it certain that such an additional committee would solve the problem as it is perceived by the sponsors. Vote 9-3. Rep. Gary R. Gilmore for Constitutional and Statutory Revision.

Resolution adopted.

SB 109-FN-A, establishing a pilot reading recovery program and making an appropriation therefor. Ought to Pass with Amendment.

If children are to succeed in school and in their later careers, their ability to read, write and to comprehend is crucial. The purpose of this act is to provide direct assistance to those children in grades one through three who face early difficulties. The effort is based upon years of careful assessment of a reading recovery program successfully carried out in other states. This bill is a voluntary pilot program under local control. The Fiscal Note calls for state expenditures of \$105,000 in FY90 and \$90,000 in FY91. Vote 12-4. Rep. Gordon B. Flint for Education.

Amendment

Amend the bill by inserting after section 3 the following and renumbering sections 4-5 to read as 5 and 6, respectively:

4 Report. The director, division of instructional services, shall submit a report showing the results and effectiveness of the pilot program in achieving its purpose to the governor and council, speaker of the house, president of the senate, and the house and senate education committees on or before September 1, 1991.

Amendment adopted.

Referred to Appropriations.

SB 121, establishing the Pittsfield regional solid waste cooperative. Inexpedient to Legislate.

While the Committee recognizes that the Pittsfield Regional Solid Waste Cooperative has been operating successfully for the past 12 years, it does not think it is wise to legalize past activity, especially when the Pittsfield cooperative agreement is due to expire this year. The cooperative can achieve the status by following existing procedures under RSA 149-M. The Committee strongly believes that districts, subdistricts, cooperatives, and towns should follow the present law and administrative procedures rather than asking the Legislature for individual exceptions. Vote 18-0. Rep. Elizabeth S. Millard for Environment and Agriculture.

Resolution adopted.

SB 81-FN, relative to the management of court facilities. Ought to Pass with Amendment.

This bill involves a major transfer of responsibility from the Supreme Court to the Department of Administrative Services. It transfers the responsibility for leasing, management and maintenance of all court facilities, except the Supreme Court facility, to the Department of Administrative Services. It establishes a new section in the Department of Administrative Services to administer these new responsibilities. The bill also changes the membership and duties of the Court Accreditation Commission. The responsibility for the administration of the escrow fund for court facility improvements is transferred from the Court Accreditation Commission to the Department of Administrative Services. Vote 13-0. Rep. Randall F. Shaw for Executive Departments and Administration.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the management of court facilities and
making an appropriation therefor.

Amend the bill by replacing section 9 with the following:

9 Appropriation; Department of Administrative Services; New Positions. The commissioner of administrative services is authorized to employ a facilities administrator and an executive secretary and such other personnel as necessary to negotiate the necessary leases and oversee the maintenance of court facilities. The sum of \$250,000 is hereby appropriated to the department of administrative services for the biennium ending June 30, 1991, for the purposes of employing such personnel.

10 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill changes the membership and duties of the court accreditation commission. The responsibility for administration of the escrow fund for court facility improvements is transferred from the court accreditation commission to the department of administrative services. The state treasurer is granted the responsibility of managing the escrow fund, which shall be used only for the construction, acquisition or improvement of court facilities.

This bill transfers the responsibility for leasing, management and maintenance of all court facilities, except the supreme court facility, from the supreme court to the department of administrative services.

The bill makes an appropriation to the department of administrative services to hire personnel for the purposes of this act.

Amendment adopted.

Referred to Appropriations.

SB 113-FN-A, relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor. Ought to Pass with Amendment.

The Committee recognizes and appreciates the need for dental services for those persons who are categorically eligible for medical assistance. However, the Senate Bill provides only \$1 for this service for the biennium. The Committee unanimously

agreed to amend the bill with a study committee to determine the types of dental services to be covered, and the fiscal impact to the state, and to propose legislation to put such a program in place. The Committee feels it is very important to know all the facts before entering into a program which would mandate service. Vote 14-0. Rep. Nancy G. Frank for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a study committee to examine Medicaid coverage of dental benefits for all categorically eligible recipients.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established; Duties. There is established a legislative study committee to examine Medicaid coverage of dental benefits for all categorically eligible recipients. The duties of the committee shall be to study and determine the following:

I. The scope of dental services to be offered under a mandatory dental assistance plan provided under the medical assistance program based on, but not limited to, such information as the types of dental services needs experienced by the eligible population.

II. Alternative coverage plans which could be offered under the dental assistance plan and each of their fiscal impacts on the state.

III. Examination of various dental services covered in dental insurance plans and dental plans in the state to determine the types of services covered, the extent of participation of recipients, and the rates of reimbursement for various dental services.

IV. State funding necessary to offer dental benefits as part of the medical assistance program.

V. Proposed legislation to establish and implement the dental assistance plan, including appropriate funding, for introduction in the 1990 legislative session.

VI. Any other matter germane to the purpose of the study.

2 Membership. The membership of the committee shall be:

I. Three members from the house of representatives or designees, including one member of the house appropriations committee or designee, appointed by the speaker of the house.

II. Three members from the senate or designees, including one member of the senate finance committee or designee, appointed by the president of the senate.

III. The commissioner of health and human services, or designee.

IV. The executive director, New Hampshire Dental Society, or designee.

V. One member of the medical care advisory committee or designee, appointed by the commissioner of health and human services.

3 Meetings; Chair. The first meeting of the committee shall be called by the first senate member named to the committee within 30 days of the effective date of this act. The chair of the committee shall be chosen at the first meeting.

4 Staff. The department of health and human services shall provide staff support as needed to the committee.

5 Report. The committee shall make a report of its findings and recommendations, including proposed legislation, to the governor and council, speaker of the house, and president of the senate on or before November 23, 1989. Such proposed legislation

shall be filed in accordance with all appropriate filing dates for the 1990 legislative session as provided in the 1989 joint rules of the senate and house of representatives.

6 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a study committee to examine Medicaid coverage of dental benefits for all categorically eligible recipients.

Amendment adopted.

Ordered to third reading.

SB 147-FN-A, relative to waiting lists for developmentally disabled persons. Ought to Pass with Amendment.

The Committee wished to make it clear to the Senate that the House concurred with the legislative intent of SB 147. Although the funding was deleted in the bill, the Committee amended the bill to make specific reference to the line item in HB 200 citing the PAUs and waiting list. This was to insure that this appropriation will be used specifically to address the reduction of the waiting list for the developmentally disabled. The amendment further changes the word "eliminate" to "reduce" wherever it appears because the amount designated could only reduce the waiting list, not eliminate it. Vote 14-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Statement of Intent.

I. The general court recognizes that the state of New Hampshire has made a commitment under RSA 171-A to implement a statewide system of integrated community-based services for persons with developmental impairments. The general court further recognizes that due to an increase in population and the concomitant demand placed on the division of mental health and developmental services and area agencies, many individuals with disabilities are not currently receiving necessary services, including early intervention, housing, supported employment, and respite care. Recognizing that appropriate services and programs require time and planning, to address the current unmet needs, the general court finds that a 6-year plan is necessary to reduce waiting lists for services.

II. The general court further recognizes that the parents of persons with disabilities and family support groups are most acutely aware of the problems associated with the unavailability of services. Therefore, the general court hereby establishes an advisory committee consisting of such persons among others, to assist the division of mental health and developmental services to establish priorities for allocating the funds appropriated in the operating budget for fiscal years 1990 and 1991, PAU 05, 01, 05, 01, 05, class line 96, waiting list, and in the corresponding PAU and class line for the operating budgets for fiscal years 1992 through 1995.

Amend the bill by replacing paragraph II of section 2 of the bill with the following:

II. The members of the committee shall advise the director, division of mental health and developmental services, in determining priorities for the allocation of funds appropriated in the operating budget for fiscal years 1990 and 1991, PAU 05, 01, 05, 01, 05, class line 96, waiting list, and in the corresponding PAU and class line for the operating budgets for fiscal years 1992 through 1995 for the purpose of reducing

waiting lists for services. Such priorities shall include, but not be limited to, early intervention, respite care, supported employment, and residential services to persons with disabilities who are unserved and on an area agency waiting list.

Amend the bill by deleting section 3 and renumbering the original section 4 to read as 3.

AMENDED ANALYSIS

This bill establishes a 6-year advisory committee to advise the director of the division of mental health and developmental services in determining priorities for the allocation of funds appropriated in the operating budgets during this period for the purpose of reducing waiting lists for services at area agencies throughout the state.

Amendment adopted.

Referred to Appropriations.

SB 170-FN-A, establishing an emergency shelter telephone service and a pilot housing voucher program, and making an appropriation for the emergency shelter telephone service. Ought to Pass with Amendment.

The purpose of this bill, as amended, is to prevent citizens of the state from becoming homeless by establishing a pilot municipal housing voucher aid program which will help eligible applicants meet their current housing costs and prevent loss of housing resulting from inability to pay rent or certain housing costs.

The pilot program shall provide grants to municipalities, on a matching grant basis, to assist primarily tenants, but also certain home owners in continuing to pay their housing costs by enabling rent or certain other housing costs to be paid on a voucher-system basis.

The sum of \$30,000 is appropriated for the fiscal year ending June 30, 1990 and the sum of \$30,000 is appropriated for fiscal year ending June 30, 1991.

The voucher system would enable people to stay in their own homes and would be a small beginning to address the growing problem of homelessness in New Hampshire. Vote 12-1. Rep. Katherine W. Wheeler for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a pilot housing voucher program, and
making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose. The purpose of this act is to prevent citizens of the state from becoming homeless by establishing a pilot municipal housing voucher aid program which will help eligible applicants meet their current housing costs and prevent loss of housing resulting from inability to pay rent or certain housing costs.

2 Pilot Municipal Housing Voucher Aid Program Established. There is hereby established a pilot municipal housing voucher aid program to be administered by the New Hampshire housing finance authority. The pilot program shall provide grants to municipalities, on a matching grant basis, to assist primarily tenants but also certain homeowners, in continuing to pay their housing costs by enabling rent or certain other housing costs to be paid on a voucher system basis.

3 Operation of Municipal Voucher Programs. A municipal voucher program shall be funded by a special fund to be established and administered by the municipality. Tenants and certain homeowners assisted through the voucher program shall pay a portion of their adjusted gross income toward monthly rent or certain other housing costs, which shall amount to no greater than 30 percent of such adjusted gross income. The balance of the housing cost shall be supplied from the fund established by the municipality for the purpose of receiving grant moneys and matching grant moneys under the pilot program. Moneys to be distributed under the voucher program shall not be used to pay for temporary housing such as motels or hotels, but shall be used solely to pay for costs of permanent housing.

4 Grants to Municipalities; Eligibility. Only municipalities shall be eligible for grants to fund voucher programs. Grants shall be awarded by the New Hampshire housing finance authority to successful applicants on a competitive basis. Successful applicants shall have demonstrated they have met the following minimum eligibility standards:

I. Status as a municipality within the state.

II. Agreement to match grant funds awarded under the pilot program.

III. Adherence to guidelines relative to assistance for indigent persons recommended by the New Hampshire Municipal Welfare Association.

5 Rulemaking. The New Hampshire housing finance authority shall adopt rules pursuant to RSA 204-C:9 relative to:

I. Which housing costs, other than rental costs, shall be covered by the municipal voucher program.

II. The qualifications of tenants and homeowners required for participation in the voucher program.

III. A formula for determining what percentage of a tenant's or homeowner's adjusted gross income shall be paid for housing costs covered by the voucher program, not to exceed 30 percent.

IV. What constitutes temporary housing.

V. What constitutes permanent housing.

VI. Procedures for establishing and administering voucher program funds by municipalities.

VII. Procedures for determining emergency participation by an individual in a municipal voucher program in order to retain permanent housing.

VIII. Administration of the pilot municipal housing voucher aid program by the New Hampshire housing finance authority.

IX. Application procedures and eligibility requirements for municipalities who wish to participate in the pilot program.

6 Appropriations. The sum of \$30,000 is appropriated for the fiscal year ending June 30, 1990, and the sum of \$30,000 is appropriated for the fiscal year ending June 30, 1991, to the division of mental health and developmental services, department of health and human services, for the purpose of funding the pilot municipal housing voucher aid program. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill establishes a pilot municipal housing voucher aid program which will help eligible applicants meet their current housing costs and prevent loss of housing as a result of inability to pay rent or certain housing costs.

The bill also makes an appropriation for the purpose of funding the pilot municipal housing voucher aid program.

Amendment adopted.

Referred to Appropriations.

SB 191-FN-A, relative to telecommunications devices for the deaf. Ought to Pass with Amendment.

This bill directs the Office of Administrative Services to make all state agencies accessible by telephone, to deaf and speech impaired residents by contracting for teletypewriter relay services. It further directs all state agencies to carry the teletypewriter relay phone number on their letterhead and in telephone listings for the state of New Hampshire. Adapting and funding this bill will place New Hampshire in compliance with Section 504 of the Rehabilitation Act of 1973. The amendment appropriates \$25,000 for personnel and administrative expenses. Vote 18-0. Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to telecommunications devices for the deaf and
making an appropriation therefor.

Amend RSA 4:7-a, II as inserted by section 2 of the bill by replacing it with the following:

II. The name of [said] *the* sender's office, the room number of [said] *the* office, the name of the building in which [said] *the* office is [situate] *located* and the mailing address of [said] *the* building, including the zip code; *and*

Amend the bill by inserting after section 3 the following and renumbering section 4 to read as 5:

4 Appropriation. Notwithstanding funds from any other source and in addition to any other sums appropriated, the sum of \$25,000 is hereby appropriated for the fiscal year ending June 30, 1990, and the sum of \$25,000 is hereby appropriated for the fiscal year ending June 30, 1991, to the department of administrative services for the purpose of section 3 of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill requires that all state agencies use and publicize the teletypewriter device for the deaf, hard of hearing, and speech-impaired residents of the state and authorizes the department of administrative services to contract with the Community Services Council of Merrimack County in order to provide teletypewriter access to all state agencies. The bill also makes an appropriation for such purpose.

Amendment adopted.

Referred to Appropriations.

SB 132-FN, relative to Rockingham Park and the Rochester Agricultural and Mechanical Association, Inc. Ought to Pass with Amendment.

This bill, as amended, allows for simulcasting on days when live racing is not being held as long as the track has at least 150 days of scheduled live race days. This bill also allows the Rochester Agricultural and Mechanical Association Inc. to retain a certain percentage of the tax to be paid to the state (\$2,100) for 5 years to be used for capital improvements. It also requires those conducting a race or meet to reimburse the state for compensation to stewards, judges, and veterinarians with the money paid to the state in 10 calendar days after receipt of billing from the Commission. Vote 10-6. Lynn C. Horton for Regulated Revenues.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to Rockingham Park, the Rochester Agricultural Mechanical Association, Inc., and simulcast racing.

Amend the bill by replacing all after the enacting clause with the following:

1 Pari-Mutuel Pools. Amend the introductory paragraph and paragraph I of RSA 284:22 to read as follows:

During the calendar years of 1941-1999, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere, except as provided in this paragraph. Pari-mutuel pools may also be sold by licensees on races held at other appropriately licensed racetracks, outside the state of New Hampshire, if such sales are within the enclosure of a race track which holds a license for the current year to conduct racing within this state, and if wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's track simultaneously with the conduct of each such race at its point of origin. Racing officials, as defined in rules adopted by the commission; any employee or owner of the entity supplying the track's totalizators; and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races exhibited at the licensee's track. The restrictions of RSA 284:17-c shall not apply to pari-mutuel wagering on races which are simulcast by television or other means of electronic reproduction under this section. A licensee may simulcast different types of races than those which are actually conducted live at the licensee's track, provided that the licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast. A licensee may simulcast races [only] on days on which live racing is conducted at the licensee's race track. *A licensee may simulcast races on days on which live racing is not conducted, at the licensee's track if the licensee's track has at least 150 scheduled live race days per calendar year.* RSA 284:23 shall apply according to the type of race on which the wagers are made, whether live or simulcast. The provision for purses made in paragraph I of this section shall not apply to simulcast races. The commission on simulcast race pools shall be available to the simulcasting licensee to satisfy obligations to the racing association originating such simulcast races or to the horsemen's group of such association.

1. The commission on all win, place and show pari-mutuel pools at tracks or race meets at which running horse races are conducted for public exhibition shall be uniform throughout the state at the rate of 19 percent of each dollar wagered in such pools, and the commission on all other pari-mutuel pools at such tracks or race meets shall be uniform throughout the state at the rate of 26 percent of each dollar wagered in such pools. Except as provided in the introductory paragraph of this section, the amount of the purse at such tracks or race meets at which running horse races are conducted shall be 8-1/4 percent of each dollar wagered in all pari-mutuel pools, said 8-1/4 percent to be paid by the licensee out of the commission on such pools. In addition to the above commission, 1/2 of the odd cents of all redistribution based on each dollar wagered exceeding a sum equal to the next lowest multiple of 10 (except, with simulcast wagering, in cases where the licensee pays out more than the total amount in the pool, the lowest multiple of 5 shall be used), known as "breakage", shall be retained by the licensee, and the balance of such breakage shall be paid to the state treasury for the use of the state in accordance with the provisions of RSA 284:2. Each licensee shall pay the tax provided for in RSA 284:23. [During the calendar years 1987 and 1988 only,] *During each calendar year*, the licensee shall add to said purse fund [3/4 of one percent of all pari-mutuel pools at tracks or race meets at which running horse races are conducted, and] *an amount equal to the amount added by the state*. The state shall add to said purse fund [the residual unclaimed thoroughbred pari-mutuel ticket fund left after one year under RSA 284:31 plus 1/2 of the breakage received by the state under this section and] 1/2 of the tax received by the state under RSA 284:23, I[:]. During the calendar years 1995, 1996, and 1997 only 3/4 of said breakage shall be paid to the state and 1/4 to the licensee. [Said 1/2 of the tax received by the state under RSA 284:23 and added to said purse fund under the provisions of this section shall not annually exceed \$1,000,000 for each of the calendar years 1987 and 1988.] *If, in any calendar year, the total wagers in all pari-mutuel pools divided by the number of days of racing conducted by any licensee (the average daily handle), equals or exceeds \$850,000 the contributions to the purse fund by the state shall be suspended until the average daily handle falls below \$800,000 for a period of 6 consecutive months in a calendar year.*

2 Reimbursement for State Contribution. Amend RSA 284:23, I(a) to read as follows:

(a) Each person, association or corporation licensed to conduct a running horse race or running horse meet under this chapter shall pay to the state treasurer a sum of money equal to one percent of the total contributions to all win, place and show pari-mutuel pools, and a sum of money equal to 2 percent of the total contributions to all other pari-mutuel pools conducted, made or sold at any such race or meet licensed hereunder, except that during calendar years 1995, 1996 and 1997 only, the tax on such win, place and show pools shall be 1-1/2 percent and the tax on all other pools shall be 3 percent. The amount so paid to the state treasurer shall be distributed in accordance with the provisions of RSA 284:2. The payment of the increased tax for the years 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund under RSA 284:22, I *during the years 1986, 1987, and 1988* shall be secured under the same terms and conditions as the subordinated revenue bonds issued by the industrial development authority dated December 23, 1983, after said bonds have been paid, except that the rights of the state shall be subordinate to the rights of the industrial development authority and the bondholders. Any release of the state as a

lien creditor shall be subject to the prior approval of the fiscal committee and with the approval of governor and council.

3 New Subparagraphs; Rochester Agricultural and Mechanical Association, Inc.; Capital Improvements. Amend RSA 284:23, II by inserting after subparagraph (b) the following new subparagraphs:

(c) From the amount required to be paid to the state treasurer under subparagraph (a), a sum equal to 10 percent of such amount shall be retained and expended by the Rochester Agricultural and Mechanical Association, Inc. for each of the next 5 fiscal years, ending June 30, 1994, for capital improvement, alterations, changes, additions, replacements, professional planning, or major repairs to, for, or upon the property owned by the association.

(d) For any capital expenditures made under subparagraph (c), the association shall report to the fiscal committee and show, in detail, the itemized expenditures for capital improvements.

4 Compensation of Stewards, Judges, and Veterinarians RSA 284:20-d is repealed and reenacted to read as follows:

284:20-d Compensation of Stewards, Judges, and Veterinarians. Compensation of the commission veterinarian, and of the official state steward or associate judges of the commission shall be reimbursed to the state by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of OASI taxes. The commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 10 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

5 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before [December] *January* 31 of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the *previous* year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of one year, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires horse track licensees to contribute an amount to the purse fund each year equal to the amount contributed by the state in certain circumstances.

The bill limits to 1986, 1987, and 1988 the years for which horse track licensees will have to pay increased taxes in 1995, 1996, and 1997 to reimburse the state for its contribution to the purse fund.

The bill allows race track licensees to simulcast races on days on which the track conducts live races and, if the licensee's track has at least 150 scheduled live race days per calendar year, on days when live racing is not conducted.

The bill also allows the Rochester Agricultural and Mechanical Association, Inc. to retain a certain percentage of the tax to be paid to the state, for the next 5 years, to be used for capital improvements.

The bill also requires those conducting a race or meet to reimburse the state for compensation to stewards, judges, and veterinarians of the pari-mutuel commission.

Rep. Simon yielded to questions.

The Chair was in doubt and called for a division.

203 members having voted in the affirmative and 125 in the negative, the amendment was adopted.

Rep. Klemm abstained from voting under Rule 16.

Rep. Simon offered an amendment, explained the amendment and yielded to questions.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to Rockingham Park, the Rochester Agricultural Mechanical Association, Inc., and simulcast racing.

Amend the bill by replacing all after the enacting clause with the following:

1 Pari-Mutuel Pools. Amend the introductory paragraph of RSA 284:22 to read as follows:

During the calendar years of 1941-1999, a licensee under this chapter may sell pari-mutuel pools in accordance with rules adopted by the commission. Pari-mutuel pools shall be sold within the enclosure of the race track where a licensed race or race meet is held, and not elsewhere, except as provided in this paragraph. Pari-mutuel pools may also be sold by licensees on races held at other appropriately licensed racetracks, outside the state of New Hampshire, if such sales are within the enclosure of a race track which holds a license for the current year to conduct racing within this state, and if wagers are made on races which are exhibited by television or other means of electronic reproduction at the licensee's track simultaneously with the conduct of each such race at its point of origin. Racing officials, as defined in rules adopted by the commission; any employee or owner of the entity supplying the track's totalizators; and any person responsible for the operation of the electronic reproduction equipment which receives the simulcast shall be prohibited from participating in wagering, directly or indirectly, on simulcast races exhibited at the licensee's track. The restrictions of RSA 284:17-c shall not apply to pari-mutuel wagering on races which are simulcast by television or other means of electronic reproduction under this section. A licensee may simulcast different types of races than those which are actually conducted live at the licensee's track, provided that the licensee shall have received city or town approval under RSA 284:17 to conduct the type of racing which is to be simulcast. A licensee may simulcast races [only] on days on which live racing is conducted at the licensee's race track. ***A licensee may simulcast races on days on which live racing is not conducted, at the licensee's track if the licensee's track has at least 150 scheduled live race days per calendar year.*** RSA 284:23 shall apply according to the type of race on which the wagers are made, whether live or simulcast. The provision for purses made in paragraph I of this section shall not apply to simulcast races. The commission on simulcast race pools shall be available to the

simulcasting licensee to satisfy obligations to the racing association originating such simulcast races or to the horsemen's group of such association.

2 New Subparagraphs; Rochester Agricultural and Mechanical Association, Inc.; Capital Improvements. Amend RSA 284:23, II by inserting after subparagraph (b) the following new subparagraphs:

(c) From the amount required to be paid to the state treasurer under subparagraph (a), a sum equal to 10 percent of such amount shall be retained and expended by the Rochester Agricultural and Mechanical Association, Inc. for each of the next 5 fiscal years, ending June 30, 1994, for capital improvement, alterations, changes, additions, replacements, professional planning, or major repairs to, for, or upon the property owned by the association.

(d) For any capital expenditures made under subparagraph (c), the association shall report to the fiscal committee and show, in detail, the itemized expenditures for capital improvements.

3 Compensation of Stewards, Judges, and Veterinarians RSA 284:20-d is repealed and reenacted to read as follows:

284:20-d Compensation of Stewards, Judges, and Veterinarians. Compensation of the commission veterinarian, and of the official state steward or associate judges of the commission shall be reimbursed to the state by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of OASI taxes. The commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 10 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of \$50 for each day the payments are overdue.

4 Unclaimed Ticket Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before [December] *January* 31 of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the *previous* year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of one year, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill allows race track licensees to simulcast races on days on which the track conducts live races and, if the licensee's track has at least 150 scheduled live race days per calendar year, on days when live racing is not conducted.

The bill also allows the Rochester Agricultural and Mechanical Association, Inc. to retain a certain percentage of the tax to be paid to the state, for the next 5 years, to be used for capital improvements.

The bill also requires those conducting a race or meet to reimburse the state for compensation to stewards, judges, and veterinarians of the pari-mutuel commission.

(Speaker in the Chair)

Rep. Beverly Gage moved that SB 132-FN be laid upon the table.

A roll call was requested. Sufficiently seconded.

YEAS 131

NAYS 206

**YEAS 131
BELKNAP**

Campbell, Richard H., Jr.
Locke, Matthew J.
Randall, Kenneth A.
Rosen, Ralph J.

Golden, Paul A.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Turner, Robert H.

Holbrook, Robert G.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Dodge, Arthur G., Jr.

CHESHIRE

Crutchley, Donald O.
LaMar, David M.
Perry, David M.

Hill, Douglas E.
Miller, Jeffrey C.
Pratt, Irene A.

Hunt, John B.
Morse, JoAnn T.

COOS

Brungot, Catherine V.
Mayhew, Josephine

Buckley, C. Fitzgerald, III
Theriault, Romeo J.

Dumont, Robert E.

GRAFTON

Adams, Carl S.
Nordgren, Sharon L.
Townsend, Howard C.

Bennett, Shirley M.
Rose, William B.
Ward, Kathleen W.

Copenhaver, Marion L.
Scanlan, David M.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Bicknell, Robert C.
Dyer, Merton S.
Foote, Herbert N., Sr.
Green, Scott E.
Hunter, Bruce F.
Kress, Gloria W.
Lawrence, Norman B.
Lozeau, Donnalee M.
McNerney, Daniel P.
Pepino, Leo P.
Record, Alice B.
Smith, Leonard A.
Wheeler, David K.

Andrews, Frederick B.
Bowers, Dorothy C.
Dykstra, Leona
Ford, Nancy M.
Hall, Betty B.
King, John A.
Kurk, Neal M.
Lefebvre, Roland J.
Mason, Howard F.
Messier, Irene M.
Prestipino, Bartolo V.
Rheault, Lillian I.
Tyree, Paul M.
Wright, George W.

Barry, Vivian
Domaingue, Jacquelyn M.
Flood, Jacqueline J.
Frank, Nancy G.
Hultgren, David D.
Knight, Alice Tirrell
Lachut, Ervin R.
Lown, Elizabeth D.
McDowell, James E.
Murphy, Robert E.
Provost, Gilles R.
Riley, Frances L.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Fillion, Paul R.
Hager, Elizabeth
Kidder, William F.
Smith, Gerald R.

Boucher, Laurent J.
Gilbreth, Robert M.
Hall, Douglas E.
Lockwood, Robert A.
Teague, Bert

Braiterman, Thea G.
Gross, Caroline L.
Jacobson, Alf E.
Nichols, Avis B.
West, George M.

ROCKINGHAM

Bell, Juanita L.
Conroy, Janet M.
Ford, Bert H.

Blanchard, MaryAnn N.
Dube, LeRoy S.
Gage, Beverly A.

Brown, Lewis W.
Fesh, Robert M.
Hoar, John, Jr.

Kane, Cecelia D.
Raynowska, Bernard J.
Roulston, Donald L.
Splaine, John E., Sr.
Vaughn, Charles L.
Welch, David A.

MacKinnon, Nancy W.
Remick, Barbara R.
Sanderson, Patricia O.
Sytek, Donna P.
Warburton, Calvin
Wells, Henry E.

Popov, Elizabeth M.
Ritzo, Eugene
Schmidtchen, Rowland
Vartanian, Elsie
Weddle, Michael R.

STRAFFORD

Appleby, James E.
Marston, Robert E.
O'Brien, John
Wall, Janet G.

Gilmore, Gary R.
Martling, W. Kent
Parks, Joe B.

Keans, Sandra B.
Merrill, Amanda A.
Pelley, Janet R.

SULLIVAN

Burling, Peter Hoe
Stamatakis, Carol M.

Middleton, John A.

Schotanus, Merle W.

NAYS 206

BELKNAP

Ballou, Richard A.
White, James J.

Bolduc, Dennis R.
Ziegra, Alice S.

Hardy, Earle D.

CARROLL

Daly, Robert J., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Foster, Katherine D.
Laurent, John J.
Pearson, Gertrude B.

Cole, Kenneth A.
Doucette, Richard F.
Gordon, Irvin H.
Matson, William R.
Sawyer, Alfred P.

Cole, Stacey W.
Eaton, Daniel A.
Grodin, Richard A.
Metzger, Katherine H.
Spear, Susan S.

COOS

Burns, Harold W.
Kilbride, Dennis J.
Oleson, Otto H.

Guay, Lawrence J.
Marsh, Beaton
Woodburn, Jeffrey R.

Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Dow, David O.
Hill, Richard L.
Stewart, Roger
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.
Teschner, Douglass P.

Brown, Channing T.
Densmore, Edward D.
Eno, Larry E.
Markley, J. Keith
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Barry, William M.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Donovan, Francis X.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Genest, Fernand A.
Gureckis, Adam C., Sr.

Amidon, Eleanor H.
Biondi, Christine A.
Cox, Gladys M.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Fields, Dennis H.
Grip, Robert H.
Hatch, William H.

Baldizar, Barbara J.
Bourque, Ann J.
Daigle, Robert A.
Dodge, Emma M.
Drolet, Paul L., Jr.
Elliott, Larry G.
Gagnon, Gabrielle V.
Guilbert, Lionel
Healy, Daniel J.

Holden, Carol H.
 Jenkins, Mary
 Kelley, Robert N.
 McRae, Karen
 Nardi, Theodora P.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Wihby, Linda S.

Anderson, Eleanor M.
 Beaton, Nancy C.
 Dunn, Miriam D.
 Hayes, Robert C.
 Johnson, C. William
 Pantzer, Eugene E.
 Provencal, Leo A.
 Wallner, Mary Jane

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Marilyn R.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Sherburne, John L.

Bernard, Mary E.
 Callaghan, Robert J.
 Flynn, Edward J.
 Kincaid, William K.
 Meserve, John H.
 Sullivan, Henry P.
 Torr, Ralph W.
 Young, John B.

Behrens, Thomas A.
 Flint, Gordon B.
 Lucier, Edward A., Jr.
 and the motion lost.

Jasper, Shawn N.
 Johnson, Lionel W.
 Long, Linda D.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Pappas, Toni
 Reidy, Frank J.
 Sallada, Roland A.
 Soucy, Lillian E.
 Tarpley, Nancy L.
 Young, Willard N.

MERRIMACK

Barberia, Richard A.
 Carter, Susan D.
 Fair, Patricia A.
 Hill, Michael
 Lewis, Mary Ann
 Pfaff, Terence R.
 Stio, Peter M.
 Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen W.
 Cooke, Annette M.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Lovejoy, Virginia K.
 McCain, William F.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Senter, Marilyn P.
 Simon, Peter M.

STRAFFORD

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Kinney, Paula J.
 Scharff, Thomas E.
 Swope, Warren L.
 Tsiros, William

SULLIVAN

Brodeur, Robert J.
 Hinrichsen, Keith L.
 MacAskill, Kenneth M.

Jean, Romeo W.
 Keefe, Edmund M.
 McCarthy, Daniel M.
 Morrisette, Roland A.
 Ouellette, Robert O.
 Perham, Lester R.
 Robinson, Ellen-Ann
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Turgeon, Roland M.

Bardsley, Elizabeth S.
 Daneault, Gabriel
 Fraser, Leo W., Jr.
 Holmes, Mary C.
 Millard, Elizabeth S.
 Phelps, James D.
 Trombly, Rick A.

Boucher, William P.
 Campbell, Eunice M.
 Drake, Herbert R.
 Flanders, Harry E.
 Gage, Thomas U.
 Hoelzel, Kathleen M.
 Johnson, Robert A.
 King, Roger C.
 MacDonald, Maurice B.
 McCarthy, John J., Jr.
 Micklon, Stephanie K.
 Parr, Ednappearl F.
 Seward, Russell G.
 Wright, David B.

Brown, Julie M.
 Flynn, Anita A.
 Frechette, Roland A.
 McCann, William H., Jr.
 Stewart, Glenn W.
 Torr, Ann M.
 Vincent, Francis C.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

Rep. Klemm abstained from voting under Rule 16. Rep. Blacketer wished to be recorded against the motion.

Question now being the adoption of the floor amendment. The Chair was in doubt, and called for a division.

215 members having voted in the affirmative and 121 in the negative, the floor amendment was adopted.

Rep. Klemm abstained from voting under Rule 16.

Rep. Nancy Ford moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to her motion.

Rep. Benton spoke against the motion.

Reps. Gross, Fesh and Ward spoke in favor of the motion and yielded to questions.

Reps. Kelley, LaMott and Simon spoke against the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 175

NAYS 165

YEAS 175

BELKNAP

Bolduc, Dennis R.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Golden, Paul A.
Pearson, Ralph W.
Richardson, Lawrence
Ziegra, Alice S.

CARROLL

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Dodge, Arthur G., Jr.
Wiggin, Allen R.

Olimpio, J. Lisbeth

CHESHIRE

Cole, Stacey W.
Hill, Douglas E.
Miller, Jeffrey C.
Pratt, Irene A.

Crutchley, Donald O.
LaMar, David M.
Morse, JoAnn T.
Sawyer, Alfred P.

Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Mayhew, Josephine

Buckley, C. Fitzgerald, III
Woodburn, Jeffrey R.

Burns, Harold W.

GRAFTON

Adams, Carl S.
Driscoll, William J.
Nordgren, Sharon L.
Teschner, Douglass P.
Weymouth, Philip H.

Arnesen, Deborah L.
Eno, Larry E.
Rose, William B.
Townsend, Howard C.

Copenhaver, Marion L.
Larson, Nils H., Jr.
Scanlan, David M.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bowers, Dorothy C.
Donovan, Francis X.
Dyer, Merton S.
Foote, Herbert N., Sr.
Grip, Robert H.
Hunter, Bruce F.
Knight, Alice Tirrell
Lachut, Ervin R.

Amidon, Eleanor H.
Barry, Vivian
Dodge, Emma M.
Drabinowicz, A. Theresa
Dykstra, Leona
Ford, Nancy M.
Hall, Betty B.
Jean, Romeo W.
Kress, Gloria W.
Lawrence, Norman B.

Andrews, Frederick B.
Bicknell, Robert C.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Flood, Jacqueline J.
Frank, Nancy G.
Hultgren, David D.
King, John A.
Kurk, Neal M.
Lefebvre, Roland J.

Lown, Elizabeth D.
McNerney, Daniel P.
Moore, Elizabeth A.
Pepino, Leo P.
Provost, Gilles R.
Riley, Frances L.
Vanderlosk, Stanley R.

Lozeau, Donnalee M.
McRae, Karen
Murphy, Robert E.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Wheeler, David K.

McDowell, James E.
Messier, Irene M.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Tyree, Paul M.
Wright, George W.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fair, Patricia A.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Wallner, Mary Jane

Apple, Lowell D.
Braiterman, Thea G.
Fillion, Paul R.
Hager, Elizabeth
Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
West, George M.

Bardsley, Elizabeth S.
Carter, Susan D.
Gilbreth, Robert M.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Teague, Bert
Whittemore, James A.

ROCKINGHAM

Blanchard, MaryAnn N.
Dube, LeRoy S.
Gage, Beverly A.
Hollingworth, Beverly A.
Katsakiores, Phyllis M.
MacKinnon, Nancy W.
Popov, Elizabeth M.
Rosencrantz, James R.
Schmidtchen, Rowland
Splaine, John E., Sr.
Vaughn, Charles L.

Brown, Lewis W.
Fesh, Robert M.
Greene, Elizabeth A.
Kane, Cecelia D.
King, Roger C.
McCain, William F.
Raynowska, Bernard J.
Roulston, Donald L.
Senter, Marilyn P.
Tufts, J. Arthur
Warburton, Calvin

Conroy, Janet M.
Ford, Bert H.
Hoar, John, Jr.
Katsakiores, George N.
Lovejoy, Virginia K.
Parsons, Robert F.
Remick, Barbara R.
Sanderson, Patricia O.
Sherburne, John L.
Vartanian, Elsie
Wells, Henry E.

STRAFFORD

Bernard, Mary E.
Frechette, Roland A.
Marston, Robert E.
O'Brien, John
Scharff, Thomas E.
Wall, Janet G.

Bickford, Drucilla
Gilmore, Gary R.
Martling, W. Kent
Parks, Joe B.
Stewart, Glenn W.

Brown, Julie M.
Keans, Sandra B.
Merrill, Amanda A.
Pelley, Janet R.
Swope, Warren L.

SULLIVAN

Burling, Peter Hoe
Schotanus, Merle W.

Flint, Gordon B.
Stamatakis, Carol M.

Peyron, Fredrik

NAYS 165

BELKNAP

Ballou, Richard A.
Rosen, Ralph J.

Hardy, Earle D.
White, James J.

Locke, Matthew J.

CARROLL

Daly, Robert J., Jr.

MacDonald, Kenneth J.

Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Doucette, Richard F.
Gordon, Irvin H.
Matson, William R.

Cole, Kenneth A.
Eaton, Daniel A.
Hunt, John B.
Pearson, Gertrude B.

Delano, Robert F.
Foster, Katherine D.
Laurent, John J.
Spear, Susan S.

COOS

Dumont, Robert E.
Kilbride, Dennis J.
Oleson, Otto H.

Guay, Lawrence J.
Marsh, Beaton
Theriault, Romeo J.

Horton, Lynn C.
Nelson, Harold D.

GRAFTON

Bean, Pamela B.
Chambers, Mary P.
Dow, David O.
Markley, J. Keith
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Christy, C. Dana
Hill, Richard L.
Stewart, Roger

Brown, Channing T.
Densmore, Edward D.
LaMott, Paul I.
Wadsworth, Karen O.

HILLSBOROUGH

Alukonis, David J.
Bourque, Ann J.
Daigle, Robert A.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Genest, Fernand A.
Gureckis, Adam C., Sr.
Holden, Carol H.
Johnson, Lionel W.
Long, Linda D.
Nardi, Theodora P.
Pappas, Toni
Rodgers, G. Philip
Searles, Stanley N., Sr.
Steiner, Lee Anne S.
Toomey, Daniel
Young, Willard N.

Barry, William M.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Dwyer, Patricia R.
Fields, Dennis H.
Green, Scott E.
Hatch, William H.
Jasper, Shawn N.
Keefe, Edmund M.
McCarthy, Daniel M.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Sallada, Roland A.
Smith, Leonard A.
Stiles, Walter A.
Turgeon, Roland M.

Biondi, Christine A.
Cox, Gladys M.
Desrosiers, William J.
Elliott, Larry G.
Gagnon, Gabrielle V.
Guilbert, Lionel
Healy, Daniel J.
Jenkins, Mary
Kelley, Robert N.
Morrissette, Roland A.
Ouellette, Robert O.
Reidy, Frank J.
Schneiderat, Catherine A.
Soucy, Lillian E.
Tarpley, Nancy L.
Wihby, Linda S.

MERRIMACK

Barberia, Richard A.
Dunn, Miriam D.
Holmes, Mary C.
Phelps, James D.
Stio, Peter M.

Beaton, Nancy C.
Fraser, Leo W., Jr.
Millard, Elizabeth S.
Provencal, Leo A.
Trombly, Rick A.

Daneault, Gabriel
Hayes, Robert C.
Pfaff, Terence R.
Smith, Gerald R.

ROCKINGHAM

Anderson, Carl F., III
Boucher, William P.
Campbell, Eunice M.
Drake, Herbert R.
Flanders, Harry E.
Gage, Thomas U.
Hynes, Carolyn E.
MacDonald, Maurice B.
McGovern, Cynthia A.
Palazzo, Frank J., Sr.
Ritzo, Eugene
Sytek, Donna P.
Wright, David B.

Bell, Juanita L.
Brown, Jeffrey M.
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Haynes, Richard L.
Johnson, Robert A.
Magoon, Harold F.
McKinney, Betsy
Palumbo, Vincent J., Jr.
Seward, Russell G.
Weddle, Michael R.

Benton, Richardson D.
Buco, Stephen W.
Cooke, Annette M.
Flanagan, Natalie S.
Forsythe, Douglas G.
Hoelzel, Kathleen M.
Klemarczyk, Thaddeus E.
McCarthy, John J., Jr.
Micklon, Stephanie K.
Parr, Ednapearl F.
Simon, Peter M.
Welch, David A.

STRAFFORD

Appleby, James E.
Flynn, Anita A.
Kincaid, William K.
Meserve, John H.
Torr, Ralph W.
Young, John B.

Callaghan, Robert J.
Flynn, Edward J.
Kinney, Paula J.
Sullivan, Henry P.
Tsiros, William

Dionne, Albert J.
Foss, Patricia H.
McCann, William H., Jr.
Torr, Ann M.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
MacAskill, Kenneth M.

Brodeur, Robert J.
Krueger, Richard H.
Middleton, John A.

Domini, Irene C.
Lucier, Edward A., Jr.

and the motion was adopted.

Rep. Klemm abstained from voting under Rule 16.

Resolution adopted.

SB 174-FN, relative to regulation of estheticians. Ought to Pass.

This bill licenses and regulates the practice of esthetics (giving facials, applying cosmetics, etc.) and extends the Board of Barbering, Cosmetology and Esthetics to include an esthetician member. Consumer demand for esthetician services is increasing and the practice should be licensed for the protection, welfare and safety of the public. Vote 12-1. Rep. Miriam D. Dunn for Executive Departments and Administration.

Rep. Kurk spoke to the bill.

Ordered to third reading.

SB 64-FN, relative to asbestos management penalties. Ought to Pass with Amendment.

The Committee agrees that it is very important to expand the penalties for asbestos violations to ensure the health and welfare of all our citizens. The teeth of this bill put a fine of \$25,000/day for continuing a violation.

Asbestos removal must be done in such a way as to protect the workers, as well as future occupants of a building. The amendment to this bill changes the effective date to occur upon passage. Vote 14-0. Rep. Nancy G. Frank for Health, Human Services and Elderly Affairs.

Amendment

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Rep. Lefebvre spoke against the bill.

Rep. Frank explained the amendment and yielded to question.

A division was requested.

173 members having voted in the affirmative and 152 in the negative, the amendment was adopted.

Ordered to third reading.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence. Ought to Pass.

The Committee agreed that there was a great need to fund programs which assist victims of domestic violence. However, there was reluctance expressed in approving the method of funding. In spite of the Committee's concerns about the method of

funding, it went on record to support passage of this bill. Vote 16-3. Rep. W. Kent Martling for Judiciary.

Referred to Appropriations.

SB 23, relative to the executive director of the liquor commission. Ought to Pass with Amendment.

This bill eliminates the position of Executive Director of the Liquor Commission which was established in May of 1988 and has been vacant since January 1, 1989 when the Executive Director resigned. The bill requires the directors of marketing and merchandising store operations, financial reporting and analysis, data processing, and warehousing and transportation to report directly to the Liquor Commission. The bill also establishes the position of director of purchasing. The sponsor of the bill as well as the Liquor Commissioners, testified in favor of the bill. No one appeared in opposition to the bill. Vote 14-2. Arthur Klemm for Regulated Revenues.

Amendment

Amend the bill by inserting after section 8 the following and renumbering the original section 9-11 to read as 10, 11, and 12, respectively:

9 New Paragraph; Director of Purchasing. Amend RSA 176:7-a by inserting after paragraph V the following new paragraph:

VI. There shall be a director of purchasing who shall have such labor grade as may be determined by the division of personnel and who shall be responsible for the purchase of all products listed for sale in the state liquor stores. The director of purchasing shall:

(a) Assist the other directors in maintaining levels of inventory within economic limits that meet sales demands.

(b) Effectively organize the placement of orders to maintain a balance of receiving workload at the warehouses.

(c) Maintain a harmonious relationship with suppliers in regards to problems in filling orders on a timely basis.

(d) Report directly to the commission.

AMENDED ANALYSIS

This bill eliminates the position of executive director of the liquor commission. The bill requires the directors of marketing and merchandising, store operations, financial reporting and analysis, data processing, and warehousing and transportation to report directly to the liquor commission.

The bill creates the position of director of purchasing to be responsible for the purchase of products listed for sale in the state liquor stores and to report to the liquor commission.

The bill also requires the liquor commission to report to the senate president and the speaker of the house on or before October 1, 1989, about increases in sales, projected profit increases, and the status of changes made under this bill.

Rep. Simon yielded to questions.

Amendment adopted.

Referred to the Committee on Appropriations.

RECONSIDERATION

Having voted with the prevailing side, Rep. Gross moved that the House reconsider its action whereby it voted SB 132 Inexpedient to Legislate.

Rep. Ward spoke to the motion.

A division was requested.

108 members having voted in the affirmative and 227 in the negative, the motion lost.

Rep. Klemm abstained from voting under Rule 16.

SUSPENSION OF RULES

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on the following bills without the required notice.

SB 21, establishing authority for revolving funds for publications and training in the office of state planning.

SB 81, relative to the management of court facilities.

SB 88, providing a cost of living adjustment for certain group I members.

SB 89, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes.

SB 91, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957.

SB 168, establishing a division of fire service.

Rep. Hager explained the motion.

Adopted by the necessary two-thirds.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading, except SB 64, relative to asbestos management penalties, be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, May 4 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 43-FN, relative to licensing engineers, architects, and land surveyors.

SB 185-FN, establishing a board of natural scientists study committee.

SB 8, relative to workers' compensation coverage of firemen.

SB 13, relative to the definition of legislative and governing bodies of municipalities.

SB 145-FN, to authorize municipalities to establish special revenue funds.

SB 73-FN, establishing a committee to study taxing all tobacco products.

SB 10, repealing a chapter on floating timber and damage therefrom.

SB 163-FN, relative to power production capacity of certain small power production facilities.

SB 69-FN, establishing the home mortgage guarantee authority.

SB 113-FN-A, relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor.

SB 174-FN, relative to regulation of estheticians.

Rep. Palumbo moved that SB 64 be read a third time and passed at the present time.
Rep. Guay moved that the words, Inexpedient to Legislate, be substituted for the Committee Report, Ought to Pass.

Rep. Frank spoke against the motion and yielded to questions.

Reps. Roulston and Parks spoke against the motion.

Rep. Lefebvre spoke in favor of the motion.

A division was requested.

102 members having voted in the affirmative and 229 in the negative, the motion lost.

Question being third reading and final passage of SB 64.

Motion adopted.

Third reading and final passage

SB 64-FN, relative to asbestos management penalties.

Rep. Vartanian moved that the House stand in recess.

Adopted.

The House recessed at 4:30.

RECESS

(Rep. Palumbo in the Chair)

SENATE MESSAGES

CONCURRENCE WITH AMENDMENTS

SB 54-FN, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 53-FN, relative to assessing time share interests.

ENROLLED BILLS REPORT

HB 10, relative to supervisors of the checklist for the Conway annual town meeting.

HB 14, relative to legalizing town meetings.

HB 99, relative to establishing a uniform fine schedule for fish and game law violations.

HB 365, relative to automobile transporters.

HB 369, relative to assumption of a town office after a recount.

HB 370, relative to collision coverage deductibles.

HB 680, relative to review of studies on recycling uses for bottom ash.

HB 691, relative to recording of ancient plats.

SB 63, relative to enforcement of child medical support.

SB 104, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border.

SB 197, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety.

Rep. James D. Phelps, Sen. David P. Currier,
For the Committee

(Rep. Ann Torr in the Chair)

ENROLLED BILL REPORT

HB 458, granting degree-granting authority to the Thomas More Institute of Liberal Arts.

Rep. James D. Phelps, Sen. David P. Currier,
For the Committee

(Rep. Burns in the Chair)

Rep. Channing Brown offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 766, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL**First, second reading and referral**

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation for flood control reimbursements. (Phelps of Merrimack Dist. 1; Bardsley of Merrimack Dist. 1; Lewis of Merrimack Dist. 5; Gordon of Cheshire Dist. 5; Grip of Hillsborough Dist. 7; McLane of Dist. 15; Currier of Dist. 7 - To Appropriations.

Rep. Bean moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 23

Thursday, May 4, 1989

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain, Rev. John B. McCall.

Transcendent God, who is within us and yet beyond us, awaken in us a simple gratitude for life and all it holds. As we gather this day, we come from the busyness and demands of our own pursuits. We carry with us the concerns of aging parents, or wandering children, or strained marriages, or sickness and worry.

We ask that we may remain sensitive and dedicated people, even when the demands are great. For we are daily surrounded by those who glance but do not see; listen but do not hear; tolerate but do not appreciate.

Grant, O God, that we may feel your spirit and presence in the simple joys of living. Help us to receive life itself as a wonderful gift, and to live with gratitude. Amen.

Rep. Spencer led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Janet Barry, Manus, Moore, McCann, Micklon, Ann Derosier, White, Russell Chase and Daniel Eaton, the day, illness.

Reps. Fillion, Record, Murphy, Schmidtchen, Mace, Gerald Merrill, Millard, Lionel Boucher, Lachance, Carter, Guest, Markley, Wadsworth, and Splaine, the day, important business.

Rep. Malcolm, the day, death in the family.

Reps. Joseph MacDonald and Jane Harland, the day, illness in the family.

INTRODUCTION OF GUESTS

Michael Hicks of Colebrook, guest of Rep. Woodburn; Merrimack High School Cheerleaders, Principal Timothy K. Mayes and Assistant Principal Andrew Desrosiers, guests of the Merrimack Delegation; John Conkling of New Hampton, guest of Rep. Shackett; Attorney Fred Walter of Rye, guest of Rep. Ritzo; Shirley Tallman of Temple, guest of Rep. Sawyer; Lee town officials Allan Dennis and Peggy Rochette, guests of the representatives from Durham, Lee and Madbury; Dr. Kenneth J. Rothwell, Dean of the Whittemore School of Business and Economics at the University of New Hampshire, and Dr. Gunapala Nanayakkara, Fulbright Senior Research Fellow at the University of New Hampshire, guests of Rep. Burton; Hanover High School students, including Krisy Nordgren, and Mrs. Holly Forward of Hanover, guests of Rep. Nordgren; Grades 4, 5 and 6 in the Hopkinton and Contoocook schools, guests of Rep. Lewis.

Rep. Scamman, for the entire House, offered the following:

RESOLUTION No. 25

honoring the Merrimack High School Varsity Coed Cheerleading Team

WHEREAS, on the ninth day of April, in the Year of Our Lord, Nineteen Hundred and Eighty-Nine, the Merrimack High School Varsity Coed Cheerleading Team won first place and received the highest score in overall competition at the International Can-Am Challenge Cup in Toronto, Canada, and

WHEREAS, by virtue of winning that prestigious competition, the Varsity Coed Cheerleading Team from Merrimack High School was named Team Of Teams and received an invitation to compete in August at the International Drill Team Competition in Tokyo, Japan, and

WHEREAS, throughout the championship season, the Varsity Coed Cheerleading Team from Merrimack High School was capably guided by Head Coach Lori Goehring, and led by Tri-Captains Gerry LaPierre, Matt MacDonald, and Heather Webb, and

WHEREAS, the members of the 1989 squad, with consistency and precision, did demonstrate throughout the season their exceptional athletic skills and abilities, and

WHEREAS, the members of the 1989 championship squad have brought great honor to their families, their school, their community, and the State of New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the twenty varsity cheerleaders from Merrimack High School be publicly saluted and recognized alphabetically by name, to wit, Jen Botten, Kristi Boucher, Kim Brown, Jen Deyoe, Tracey Dudman, Bud Flanagan, Jen Foley, Nancy Foulks, Gerilyn Goehring, Paul Goguen, Gerry LaPierre, Matt MacDonald, Lori Pelletier, Liz Retey, Kelley Slide, Sarah Talbot, Tim Tomasian, Kelley Torrice, Bob Vezeau and Heather Webb, and be it further

RESOLVED, that the Varsity Coed Cheerleading Team of Merrimack High School receive highest praise for the hard work and sacrifices that made them Champions, and that a suitable copy of this Resolution be prepared for presentation to Merrimack High School.

Unanimously adopted.

SENATE MESSAGES

CONCURRENCE

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover.

HB 91-FN, relative to the New Hampshire technical institute and vocational-technical colleges.

HB 114-FN, allowing the district courts to approve petitions for services other than counsel.

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor.

HB 145-FN, relative to children and youth services.

HB 178-FN, relative to continuing the study committee reviewing the liquor laws.

HB 239, relative to legalizing town meetings.

HB 271-FN, relative to fish and game license fees.

HB 521-FN, regarding a state loan for the Monroe sewage treatment facility.

HB 615-FN, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation.

HB 32-A, relative to the Hampton seawall and making an appropriation therefor.

HB 166-FN-A, relative to capital projects for the fish and game department and authorizing a maintenance and construction crew for the fish and game department and making an appropriation therefor.

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III.

HB 264-FN, prohibiting the distribution, sale, possession or use of anabolic steroids except for purposes of medical treatment.

HB 291-FN-A, relative to the real estate transfer tax.

HB 305-FN, amending the 10-year highway plan.

HB 354-FN-A, making an appropriation to fund improvements in Cardigan State Park.

HB 414-FN-A, relative to the sale or exchange of beneficial interests in business organizations for business profits tax purposes.

HB 449-FN, relative to civil suits against municipal officials.

HB 652-FN, relative to discounts and credit terms for the sale of wine.

HB 664-FN, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights.

HB 699-FN, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence.

HB 748, relative to anatomical gifts accepted by medical or dental schools.

NONCONCURRENCE

HB 574-FN, relative to licensure of mental health professionals.

HB 127-FN, increasing fees for laboratory services.

HB 215-FN-A, relative to fish and game search and rescue.

HB 463, excluding credit life and health companies from the 30-day premium return requirement.

HB 86-FN, relative to employer remittances to the New Hampshire retirement system and relative to retirement contributions by certain legislative and constitutional officers.

HB 92-FN, imposing liens on certain nursing homes.

HB 218, permitting a person to be the candidate for only one party.

HB 398-FN-A, relative to the return of revenue to cities and towns and making appropriations therefor.

HB 439-FN-A, making an appropriation to the office of alcohol and drug abuse prevention and establishing a committee to review the expenditure of funds by such office.

HB 635-FN, relative to protecting federally subsidized housing.

CONCURRENCE WITH AMENDMENTS

SB 13, relative to the definition of legislative and governing bodies of municipalities.

SB 64-FN, relative to asbestos management penalties.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 142, relative to liability of expenses for the support and necessities of minors. (Amendment printed SJ 11, 3/23/89)

Rep. Bean moved that the House concur.

Adopted.

HB 66, relative to health maintenance organizations. (Amendment printed SJ 16, 4/14/89)

Rep. Christy moved that the House concur.

Adopted.

HB 323, relative to payment of costs of bank examinations. (Amendment printed SJ 15, 4/12/89)

Rep. Christy moved that the House concur.

Adopted.

HB 401, imposing a filing fee for registration of securities by coordination. (Amendment printed SJ 16, 4/14/89)

Rep. Christy moved that the House concur.

Adopted.

HB 467, relative to discharges of mortgages. (Amendment printed SJ 16, 4/14/89)

Rep. Christy moved that the House concur.

Adopted.

HB 493, relative to insurance premium refunds. (Amendment printed SJ 17, 4/18/89)

Rep. Christy moved that the House concur.

Adopted.

HB 221, exempting medical facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime. (Amendment printed SJ 17, 4/18/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 155, relative to correcting an error in the March 10, 1987, Hooksett school district election ballot. (Amendment printed SJ 19, 4/27/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 232, relative to authorizing the prepayment of taxes. (Amendment printed SJ 18, 4/20/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 261, relative to dog licenses. (Amendment printed SJ 17, 4/18/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 313, relative to Carroll county attorney. (Amendment printed SJ 17, 4/18/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 531, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places. (Amendment printed SJ 18, 4/20/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 758, relative to impact fees. (Amendment printed SJ 18, 4/20/89)

Rep. Grodin moved that the House concur and spoke to his motion.

Adopted.

HB 150, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws. (Amendment printed SJ 17, 4/18/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 445, recodifying certain water laws. (Amendment printed SJ 17, 4/18/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 708, relative to the Free Trade Agreement between the United States and Canada. (Amendment printed SJ 17, 4/18/89)

Rep. Parr moved that the House concur.

Adopted.

HB 36, relative to library records confidentiality. (Amendment printed SJ 17, 4/18/89)

Rep. Whitcomb moved that the House concur.

Adopted.

REQUESTS COMMITTEE OF CONFERENCE

SB 70-FN-A, establishing a pilot program to test the application of the office of state planning's GRANIT system.

The President appointed Sens. Freese, Bartlett and Stephen.

Rep. Grodin moved that the House accede to the request for a Committee of Conference.

Adopted.

The Speaker appointed Reps. Grodin, Metzger, Adams and Scharff.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 650-FN, relative to removing tax collectors. (Amendment printed SJ 17, 4/18/89)

Rep. Grodin moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. West, Golden, Lewis Brown, and Baldizar.

HB 629-FN, relative to gravesites. (Amendment printed SJ 18, 4/20/89)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, Daly, Riley and O'Brien.

HB 206-FN, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover. (Amendment printed SJ 14, 4/11/89)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Haynes, Raynowska, Desrochers, and Emerton.

HB 222, limiting horsepower of motors on Indian Pond in the town of Orford. (Amendment printed SJ 13, 4/11/89)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Stewart, Emma Dodge, Turgeon and Markley.

COMMITTEE REPORTS

JOINT COMMITTEE TO MONITOR PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE REORGANIZATION PROCEEDINGS (HOUSE)

SB 205-FN-A, relative to establishing the New Hampshire energy authority and making an appropriation therefor. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: SB 205 creates the New Hampshire Energy Authority: a state agency designed to protect the state's ratepayers and its economy from the adverse consequences of irresponsible actions by the management of financially distressed utilities. This bill will ensure that New Hampshire retains control of the rate setting process when, against the public interest, a utility seeks to avoid state control by shifting to federal regulation (FERC).

The authority is to be governed by a five-member board of directors — three appointed by the Governor and Council, the remaining two by the Senate President and the Speaker of the House respectively. At least four affirmative votes of the board are required for any action.

The authority is given flexibility to address changing, complex issues involved in supplying electricity to the citizens of New Hampshire; including the ability to acquire electric utility property, sell property or electricity to other entities, such as municipal electric systems, and provide resources to municipalities so that they can evaluate the feasibility of providing electric service directly to their citizens.

The authority is a public body. If it becomes necessary to acquire the assets of an electric utility and to provide service to New Hampshire consumers, it must exercise that authority in a manner that is in the public's best interest. The very essence of SB 205 is public protection!

The bill has been amended to provide the public with access to the books and records of the authority through the Public Utilities Commission. Additionally, the bill requires that rates be established only after public notice and hearings.

Should the authority acquire utility assets it must have the financing and flexibility to meet New Hampshire's energy needs in the least costly manner. Accordingly, the authority has been given the ability to issue debt in an amount up to two billion dollars. It is not anticipated that an initial acquisition, if any, would be in that amount. However, sufficient financial flexibility is required not only to service New Hampshire consumers in the immediate future, but also to ensure that safe and adequate service at just and reasonable rates can be provided decades into the future.

This bill is an appropriate response to the risk presented to the New Hampshire economy and to New Hampshire's ratepayers by financially distressed utilities. SB 205 will give our state negotiating team the leverage necessary to obtain the best resolution out of the current PSNH bankruptcy proceedings. Vote 3-1. Rep. Vincent J. Palumbo for the Majority of the Joint Legislative Committee to Monitor the Public Service Company of New Hampshire Reorganization Proceedings.

MINORITY: This bill creates a new state agency and requires it to set electric rates high enough to make whatever payments are necessary to support a potential two billion dollar bond issue. But, in setting those rates, the "public" power authority would not be subject to certain provisions of the state's Right-to-Know Law. The rates could include the cost of the Seabrook Power Plant whether it operates or not. The decision to take the assets of a private utility company would not be subject to judicial review. The state has better options in the current bankruptcy proceedings than to shift

such a major economic burden onto ratepayers. The bill also includes a three million dollar General Fund appropriation which was not included in the budget as passed by the House. Rep. Susan S. Spear for the Minority of the Joint Legislative Committee to Monitor the Public Service Company of New Hampshire Reorganization Proceedings.

Amendment

Amend RSA 362-B:30 as inserted by section 1 of the bill by replacing it with the following:

362-B:30 Conformance to Certain Public Utilities Commission Rules. The authority shall be subject to and conform to the rules of the commission pertaining to safety and reliability of service, billing and the establishment and termination of electric service to retail customers, the requirements of RSA 362-A with respect to the purchase of electricity from limited electric energy producers and from qualifying small power production facilities and cogeneration facilities and all provisions of RSA 162-F and RSA 374:15. The authority is also authorized to proceed as a public utility to acquire properties pursuant to RSA 371. In all other respects, the authority shall not be considered a "public utility" as defined in RSA 362:2 subject to the jurisdiction of the commission.

Amend RSA 362-B:39, II as inserted by section 1 of the bill by replacing it with the following:

II. On January 31, 1991, the board shall submit a report to the governor and council certifying whether or not the criteria under paragraph III have been met.

Amendment adopted.

Rep. Spear offered an amendment and spoke to her amendment.

Amendment

Amend RSA 362-B:5, IV and V as inserted by section 1 of the bill by replacing them with the following:

IV. To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with, real or personal property and whether located within or without the United States, or any interest therein, whether tangible or intangible, for its purposes, provided that the authority shall not acquire from any electric utility any nuclear electric generating facility located within the state.

V. To acquire real or personal property, whether tangible or intangible, including without limitation, property rights, interests in property, franchises, obligations, contracts, and debt and equity securities, by exercise of the power of eminent domain in accordance with the provisions of this chapter, provided that the authority shall not so acquire from any electric utility any nuclear electric generating facility located within the state.

Reps. Hatch and Weymouth spoke against the amendment and yielded to questions.

Reps. Rodgers and Douglas Hall spoke in favor of the amendment and yielded to questions.

(Speaker in the Chair)

Rep. Chambers requested a quorum count.

The Speaker declared a quorum present.

Rep. Chambers spoke in favor of the amendment and yielded to questions.

Rep. Palumbo spoke against the amendment and yielded to questions.

Rep. Phelps moved the previous question.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 123

NAYS 226

YEAS 123

BELKNAP

Maviglio, Steven R.
Richardson, Lawrence

Pearson, Ralph W.
Ziegra, Alice S.

Rice, Thomas E. P., Jr.

CHESHIRE

Doucette, Richard F.
LaMar, David M.
Pratt, Irene A.

Foster, Katherine D.
Matson, William R.
Spear, Susan S.

Hunt, John B.
Miller, Jeffrey C.

COOS

Mayhew, Josephine
Woodburn, Jeffrey R.

Nelson, Harold D.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Nordgren, Sharon L.

Copenhaver, Marion L.
Teschner, Douglass P.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Daigle, Robert A.
Drabinowicz, A. Theresa
Dykstra, Leona
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Jenkins, Mary
Knight, Alice Tirrell
Lown, Elizabeth D.
Messier, Irene M.
O'Rourke, JoAnne A.
Rheault, Lillian I.
Smith, Leonard A.
Turgeon, Roland M.

Baldizar, Barbara J.
Bourque, Ann J.
Desrochers, Gerard T.
Dube, Ellen C.
Flood, Jacqueline J.
Genest, Fernand A.
Hall, Betty B.
Johnson, Lionel W.
Lefebvre, Roland J.
McCann, Bonnie Lou
Morrissette, Roland A.
Packard, Bonnie B.
Rodgers, G. Philip
Soucy, Lillian E.
Upton, Barbara A.

Barry, William M.
Burkush, Peter A.
Donovan, Francis X.
Dwyer, Patricia R.
Frank, Nancy G.
Green, Scott E.
Jean, Romeo W.
King, John A.
Long, Linda D.
McDowell, James E.
Nardi, Theodora P.
Reidy, Frank J.
Sage, Ronald P., Jr.
Toomey, Daniel
Young, Willard N.

MERRIMACK

Anderson, Eleanor M.
Daneault, Gabriel
Hall, Douglas E.
Smith, Gerald R.
Wallner, Mary Jane

Beaton, Nancy C.
Dunn, Miriam D.
Jacobson, Alf E.
Soldati, Jennifer

Braiterman, Thea G.
Fair, Patricia A.
Provencal, Leo A.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Caswell, Albert, Jr.
Hollingworth, Beverly A.
MacKinnon, Nancy W.

Bell, Juanita L.
Conroy, Janet M.
Hynes, Carolyn E.
McCain, William F.

Blanchard, MaryAnn N.
Hoar, John, Jr.
Kane, Cecelia D.
McGovern, Cynthia A.

Pantelakos, Laura C.
Remick, Barbara R.
Vaughn, Charles L.

Parr, Ednapearl F.
Rosencrantz, James R.
Weddle, Michael R.

Popov, Elizabeth M.
Sanderson, Patricia O.

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Gilmore, Gary R.
O'Brien, John
Spencer, Leo J.
Wall, Janet G.

Burton, Wayne M.
Flynn, Anita A.
Keans, Sandra B.
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

Callaghan, Robert J.
Flynn, Edward J.
Merrill, Amanda A.
Scharff, Thomas E.
Vincent, Francis C.

SULLIVAN

Brodeur, Robert J.
Schotanus, Merle W.

Burling, Peter Hoe
Stamatakis, Carol M.

Lucier, Edward A., Jr.

NAYS 226

BELKNAP

Ballou, Richard A.
Golden, Paul A.
Holbrook, Robert G.
Rosen, Ralph J.

Bolduc, Dennis R.
Hardy, Earle D.
Locke, Matthew J.
Turner, Robert H.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Randall, Kenneth A.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Morse, JoAnn T.
Young, David A.

Cole, Stacey W.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.

Crutchley, Donald O.
Grodin, Richard A.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Stewart, Roger
Weymouth, Philip H.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Brady, Carolyn L.
Culbert, Patrick
Domaingue, Jacquelyn M.
Elliott, Larry G.

Amidon, Eleanor H.
Bicknell, Robert C.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.

Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Dyer, Merton S.
Fields, Dennis H.

Foote, Herbert N., Sr.
 Grip, Robert H.
 Hatch, William H.
 Hultgren, David D.
 Keefe, Edmund M.
 Kress, Gloria W.
 Lawrence, Norman B.
 McNerney, Daniel P.
 Pappas, Toni
 Prestipino, Bartolo V.
 Sallada, Roland A.
 Steiner, Lee Anne S.
 Tyree, Paul M.
 Wright, George W.

Ford, Nancy M.
 Guilbert, Lionel
 Healy, Daniel J.
 Hunter, Bruce F.
 Kelley, Robert N.
 Kurk, Neal M.
 Lozeau, Donnalee M.
 McRae, Karen
 Pepino, Leo P.
 Riley, Frances L.
 Schneiderat, Catherine A.
 Stiles, Walter A.
 Vanderlosk, Stanley R.

Goulet, Maurice E.
 Harlan, Susan N.
 Holden, Carol H.
 Jasper, Shawn N.
 Klose, John F.
 Lachut, Ervin R.
 Mason, Howard F.
 Ouellette, Robert O.
 Perham, Lester R.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Wheeler, David K.

MERRIMACK

Apple, Lowell D.
 Bardsley, Elizabeth S.
 Gilbreth, Robert M.
 Hill, Michael
 Kidder, William F.
 Nichols, Avis B.
 Phelps, James D.
 Teague, Bert
 Whittemore, James A.

Asplund, Bronwyn L.
 Boucher, Laurent J.
 Hager, Elizabeth
 Holmes, Mary C.
 Lewis, Mary Ann
 Pantzer, Eugene E.
 Shaw, Randall F.
 Tolpin, Richard W.

Barberia, Richard A.
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Stio, Peter M.
 West, George M.

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Chase, Lawrence A., Jr.
 Drake, Herbert R.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Ritzo, Eugene
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

Boucher, William P.
 Bucu, Stephen W.
 Cooke, Annette M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 McKinney, Betsy
 Parsons, Robert F.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wells, Henry E.

Brown, Jeffrey M.
 Campbell, Eunice M.
 Cote, Patricia L.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 Palazzo, Frank J., Sr.
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Simon, Peter M.
 Stachowske, Vicki
 Warburton, Calvin
 Wright, David B.

STRAFFORD

Appleby, James E.
 Foss, Patricia H.
 Kinney, Paula J.

Bickford, Drucilla
 Frechette, Roland A.
 Marston, Robert E.

Brown, Julie M.
 Kincaid, William K.
 Martling, W. Kent

Meserve, John H.
Stewart, Glenn W.
Torr, Ralph W.

Musler, George T.
Swope, Warren L.
Tsiros, William

Parks, Joe B.
Torr, Ann M.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Flint, Gordon B.
Middleton, John A.

and the amendment lost.

Reps. Marilyn Campbell, Pignatelli, Sytek, Gross and Hinrichsen abstained from voting under Rule 16. Rep. Blacketer wished to be recorded against the amendment.

Rep. Spear offered an amendment and spoke to her amendment.

Amendment

Amend RSA 362-B:7 as inserted by section 1 of the bill by replacing it with the following:

362-B:7 Determination to Acquire Utility Property. The authority shall determine, after notice and the opportunity for hearing, whether the severe financial distress of any electric utility within the state has created a likelihood that the public interest may be adversely affected by the continued operation by such electric utility of the utility franchise entrusted to it. If the authority shall determine that such likelihood exists, it shall certify such finding to the governor and council and to the legislative fiscal committee. The governor shall consider any recommendation of the legislative fiscal committee and, with the advice and consent of the council, shall determine whether to authorize the authority to acquire all or any part of the business, properties or securities of such utility.

Amend RSA 362-B:38 as inserted by section 1 of the bill by deleting paragraph II and by renumbering the original paragraphs III-VI to read as II, III, IV, and V, respectively.

Rep. Palumbo spoke against the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 103

NAYS 243

YEAS 103

BELKNAP

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

Richardson, Lawrence

CHESHIRE

Doucette, Richard F.

Foster, Katherine D.

Hunt, John B.

LaMar, David M.

Matson, William R.

Pratt, Irene A.

Spear, Susan S.

COOS

Mayhew, Josephine
Woodburn, Jeffrey R.

Nelson, Harold D.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Nordgren, Sharon L.

Copenhaver, Marion L.

HILLSBOROUGH

Baldizar, Barbara J.
Burkush, Peter A.
Donovan, Francis X.

Barry, William M.
Daigle, Robert A.
Drabinowicz, A. Theresa

Bourque, Ann J.
Desrochers, Gerard T.
Dube, Ellen C.

Dykstra, Leona
 Frank, Nancy G.
 Green, Scott E.
 Jean, Romeo W.
 King, John A.
 McCann, Bonnie Lou
 Morrisette, Roland A.
 Packard, Bonnie B.
 Sage, Ronald P., Jr.
 Toomey, Daniel

Anderson, Eleanor M.
 Braiterman, Thea G.
 Fair, Patricia A.
 Provencal, Leo A.
 Wallner, Mary Jane

Bell, Juanita L.
 Dube, LeRoy S.
 Kane, Cecelia D.
 Pantelakos, Laura C.
 Sanderson, Patricia O.

Burton, Wayne M.
 Keans, Sandra B.
 Pelley, Janet R.
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Brodeur, Robert J.
 Stamatakis, Carol M.

Ballou, Richard A.
 Golden, Paul A.
 Holbrook, Robert G.
 Randall, Kenneth A.
 Vogler, Charles C.

Allard, Nanci A.
 Dickinson, Howard C., Jr.
 MacDonald, Kenneth J.
 Wiggin, Allen R.

Avery, Stephen G.
 Delano, Robert F.
 Hill, Douglas E.
 Miller, Jeffrey C.
 Perry, David M.

Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Gureckis, Adam C., Sr.
 Jenkins, Mary
 Long, Linda D.
 McDowell, James E.
 Nardi, Theodora P.
 Reidy, Frank J.
 Smith, Leonard A.
 Turgeon, Roland M.

MERRIMACK

Bardsley, Elizabeth S.
 Daneault, Gabriel
 Hayes, Robert C.
 Soldati, Jennifer

ROCKINGHAM

Blanchard, MaryAnn N.
 Hollingworth, Beverly A.
 MacKinnon, Nancy W.
 Popov, Elizabeth M.
 Vaughn, Charles L.

STRAFFORD

Dionne, Albert J.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Vincent, Francis C.

SULLIVAN

Burling, Peter Hoe

NAYS 243

BELKNAP

Bolduc, Dennis R.
 Hardy, Earle D.
 Locke, Matthew J.
 Rosen, Ralph J.
 Ziegra, Alice S.

CARROLL

Chandler, Gene G.
 Dodge, Arthur G., Jr.
 Powers, Gerard E., Jr.

CHESHIRE

Cole, Stacey W.
 Gordon, Irvin H.
 Laurent, John J.
 Morse, JoAnn T.
 Young, David A.

Ford, Nancy M.
 Genest, Fernand A.
 Hall, Betty B.
 Johnson, Lionel W.
 Lozeau, Donnalee M.
 Messier, Irene M.
 O'Rourke, JoAnne A.
 Rodgers, G. Philip
 Soucy, Lillian E.
 Young, Willard N.

Beaton, Nancy C.
 Dunn, Miriam D.
 Jacobson, Alf E.
 Trombly, Rick A.

Caswell, Albert, Jr.
 Hynes, Carolyn E.
 McGovern, Cynthia A.
 Rosencrantz, James R.
 Weddle, Michael R.

Gilmore, Gary R.
 O'Brien, John
 Spencer, Leo J.
 Wall, Janet G.

Lucier, Edward A., Jr.

Campbell, Richard H., Jr.
 Hawkins, Robert S.
 Pearson, Ralph W.
 Turner, Robert H.

Daly, Robert J., Jr.
 Foster, Robert W.
 Saunders, Howard N.

Crutchley, Donald O.
 Grodin, Richard A.
 Metzger, Katherine H.
 Pearson, Gertrude B.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Stewart, Roger
Ward, Kathleen W.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Dyer, Merton S.
Fields, Dennis H.
Guilbert, Lionel
Healy, Daniel J.
Hunter, Bruce F.
Kelley, Robert N.
Kress, Gloria W.
Lawrence, Norman B.
Mason, Howard F.
Ouellette, Robert O.
Perham, Lester R.
Riley, Frances L.
Schneiderat, Catherine A.
Stiles, Walter A.
Upton, Barbara A.
Wright, George W.

Alukonis, David J.
Barry, Vivian
Brady, Carolyn L.
Culbert, Patrick
Domaingue, Jacquelyn M.
Elliott, Larry G.
Foote, Herbert N., Sr.
Harlan, Susan N.
Holden, Carol H.
Jasper, Shawn N.
Klose, John F.
Kurk, Neal M.
Lefebvre, Roland J.
McNerney, Daniel P.
Pappas, Toni
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Amidon, Eleanor H.
Beaupre, Roland O.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Grip, Robert H.
Hatch, William H.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lachut, Ervin R.
Lown, Elizabeth D.
McRae, Karen
Pepino, Leo P.
Rheault, Lillian I.
Sallada, Roland A.
Steiner, Lee Anne S.
Tyree, Paul M.
Wheeler, David K.

MERRIMACK

Apple, Lowell D.
Boucher, Laurent J.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

Asplund, Bronwyn L.
Fraser, Leo W., Jr.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
Tolpin, Richard W.

Barberia, Richard A.
Gilbreth, Robert M.
Hill, Michael
Kidder, William F.
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.

Benton, Richardson D.
Brown, Lewis W.
Chase, Lawrence A., Jr.

Boucher, William P.
Buco, Stephen W.
Conroy, Janet M.

Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Gourdeau, Raymond H.
 Hoar, John, Jr.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Sherburne, John L.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wells, Henry E.

Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Magoon, Harold F.
 McKinney, Betsy
 Parr, Ednapearl F.
 Remick, Barbara R.
 Senter, Merilyn P.
 Simon, Peter M.
 Stachowske, Vicki
 Warburton, Calvin
 Wright, David B.

Drake, Herbert R.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Haynes, Richard L.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 McCain, William F.
 Palazzo, Frank J., Sr.
 Parsons, Robert F.
 Ritzo, Eugene
 Seward, Russell G.
 Skinner, Patricia M.
 Tufts, J. Arthur
 Welch, David A.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Foss, Patricia H.
 Kinney, Paula J.
 Meserve, John H.
 Stewart, Glenn W.
 Torr, Ralph W.

Bernard, Mary E.
 Callaghan, Robert J.
 Frechette, Roland A.
 Marston, Robert E.
 Musler, George T.
 Swope, Warren L.
 Tsiros, William

Bickford, Drucilla
 Flynn, Anita A.
 Kincaid, William K.
 Martling, W. Kent
 Parks, Joe B.
 Torr, Ann M.
 Young, John B.

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Krueger, Richard H.
 Peyron, Fredrik

Flint, Gordon B.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

and the amendment lost.

Reps. Marilyn Campbell, Pignatelli, Sytek, and Gross abstained from voting under Rule 16. Rep. Blacketor wished to be recorded against the amendment.

Question now being shall SB 205 be ordered to third reading.

Reps. Stiles and Guay spoke in favor of the bill.

Rep. Reidy spoke against the bill.

A roll call was requested. Sufficiently seconded.

YEAS 249

NAYS 96

YEAS 249

BELKNAP

Ballou, Richard A.
 Golden, Paul A.
 Holbrook, Robert G.
 Randall, Kenneth A.
 Vogler, Charles C.

Bolduc, Dennis R.
 Hardy, Earle D.
 Locke, Matthew J.
 Rosen, Ralph J.
 Ziegra, Alice S.

Campbell, Richard H., Jr.
 Hawkins, Robert S.
 Pearson, Ralph W.
 Turner, Robert H.

CARROLL

Allard, Nanci A.
 Dickinson, Howard C., Jr.

Chandler, Gene G.
 Dodge, Arthur G., Jr.

Daly, Robert J., Jr.
 Foster, Robert W.

MacDonald, Kenneth J.
Wiggin, Allen R.

Powers, Gerard E., Jr.

Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Delano, Robert F.
Hill, Douglas E.
Metzger, Katherine H.
Pearson, Gertrude B.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Miller, Jeffrey C.
Perry, David M.

Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Morse, JoAnn T.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Rose, William B.
Stewart, Roger
Ward, Kathleen W.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Dyer, Merton S.
Fields, Dennis H.
Goulet, Maurice E.
Harlan, Susan N.
Holden, Carol H.
Jasper, Shawn N.
Klose, John F.
Lachut, Ervin R.
Lown, Elizabeth D.
McCann, Bonnie Lou
Ouellette, Robert O.
Pepino, Leo P.
Rheault, Lillian I.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Upton, Barbara A.
Wright, George W.

Alukonis, David J.
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Brady, Carolyn L.
Culbert, Patrick
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Elliott, Larry G.
Foote, Herbert N., Sr.
Grip, Robert H.
Hatch, William H.
Hultgren, David D.
Keefe, Edmund M.
Kress, Gloria W.
Lawrence, Norman B.
Lozeau, Donnalee M.
McNerney, Daniel P.
Packard, Bonnie B.
Perham, Lester R.
Riley, Frances L.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.
Young, Willard N.

Amidon, Eleanor H.
Beaupre, Roland O.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
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Ford, Nancy M.
Guilbert, Lionel
Healy, Daniel J.
Hunter, Bruce F.
Kelley, Robert N.
Kurk, Neal M.
Lefebvre, Roland J.
Mason, Howard F.
Messier, Irene M.
Pappas, Toni
Prestipino, Bartolo V.
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Tyree, Paul M.
Wheeler, David K.

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Fair, Patricia A.
Hager, Elizabeth

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Holmes, Mary C.
Kidder, William F.
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
Whittemore, James A.

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Jacobson, Alf E.
Lewis, Mary Ann
Pantzer, Eugene E.
Shaw, Randall F.
Tolpin, Richard W.

Hill, Michael
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Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
West, George M.

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Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hoar, John, Jr.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Roulston, Donald L.
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Wright, David B.

Benton, Richardson D.
Brown, Lewis W.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Magoon, Harold F.
Palumbo, Vincent J., Jr.
Remick, Barbara R.
Senter, Marilyn P.
Simon, Peter M.
Stachowske, Vicki
Welch, David A.

Boucher, William P.
Buco, Stephen W.
Conroy, Janet M.
Drake, Herbert R.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
McCarthy, John J., Jr.
Parr, Ednapearl F.
Ritzo, Eugene
Seward, Russell G.
Skinner, Patricia M.
Tufts, J. Arthur
Wells, Henry E.

STRAFFORD

Appleby, James E.
Callaghan, Robert J.
Kincaid, William K.
Martling, W. Kent
Parks, Joe B.
Torr, Ann M.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Kinney, Paula J.
MesModule, John H.
Stewart, Glenn W.
Torr, Ralph W.

Brown, Julie M.
Foss, Patricia H.
Marston, Robert E.
Musler, George T.
Swope, Warren L.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 96

BELKNAP

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

CHESHIRE

Doucette, Richard F.
Matson, William R.

Foster, Katherine D.
Pratt, Irene A.

LaMar, David M.
Spear, Susan S.

COOS

Mayhew, Josephine

Oleson, Otto H.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.

Chambers, Mary P.
Nordgren, Sharon L.

Copenhaver, Marion L.

HILLSBOROUGH

Baldizar, Barbara J.
Burkush, Peter A.
Donovan, Francis X.
Dykstra, Leona
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Jenkins, Mary
Knight, Alice Tirrell
Morrisette, Roland A.
Reidy, Frank J.
Toomey, Daniel

Barry, William M.
Daigle, Robert A.
Drabinowicz, A. Theresa
Flood, Jacqueline J.
Genest, Fernand A.
Hall, Betty B.
Johnson, Lionel W.
Long, Linda D.
Nardi, Theodora P.
Sage, Ronald P., Jr.
Turgeon, Roland M.

Bourque, Ann J.
Desrochers, Gerard T.
Dube, Ellen C.
Frank, Nancy G.
Green, Scott E.
Jean, Romeo W.
King, John A.
McDowell, James E.
O'Rourke, JoAnne A.
Soucy, Lillian E.

MERRIMACK

Anderson, Eleanor M.
Daneault, Gabriel
Soldati, Jennifer
Wallner, Mary Jane

Beaton, Nancy C.
Dunn, Miriam D.
Teague, Bert

Braiterman, Thea G.
Provencal, Leo A.
Trombly, Rick A.

ROCKINGHAM

Bell, Juanita L.
Dube, LeRoy S.
Kane, Cecelia D.
McGovern, Cynthia A.
Popov, Elizabeth M.
Sanderson, Patricia O.
Weddle, Michael R.

Blanchard, MaryAnn N.
Hollingworth, Beverly A.
MacKinnon, Nancy W.
McKinney, Betsy
Raynowska, Bernard J.
Vaughn, Charles L.

Caswell, Albert, Jr.
Hynes, Carolyn E.
McCain, William F.
Pantelakos, Laura C.
Rosencrantz, James R.
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Frechette, Roland A.
Merrill, Amanda A.
Scharff, Thomas E.
Vincent, Francis C.

Burton, Wayne M.
Gilmore, Gary R.
O'Brien, John
Spencer, Leo J.
Wall, Janet G.

Dionne, Albert J.
Keans, Sandra B.
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
Stamatakis, Carol M.

Burling, Peter Hoe

Lucier, Edward A., Jr.

and SB 205 was ordered to third reading.

Reps. Marilyn Campbell, Pignatelli, Sytek, and Gross abstained from voting under Rule 16. Rep. Blacketer wished to be recorded in favor of the motion.

COMMITTEE REPORTS**(Consent Calendar)**

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 3, relative to child passenger restraints in motor vehicles, was removed at the request of Rep. Donovan.

SB 71, authorizing the removal of a boat and mooring under certain circumstances, was removed at the request of Rep. Beaton.

Adopted.

SB 16, relative to post-termination commissions paid to sales representatives. Ought to Pass with Amendment.

The Committee felt there is a definite need for this bill. However, as passed by the Senate, the bill is overly favorable to the salespersons. The amendment will make the bill more fair for both the manufacturer and the independent commission salesperson by not only requiring that they have a contract, but also setting guidelines for the contract. The amendment also has damages if a civil action is required. Vote 11-0. Rep. John B. Hunt for Commerce, Small Business and Consumer Affairs.

Amendment

Amend RSA 339-E:1 through 339-E:4 as inserted by section 1 of the bill by replacing them with the following:

339-E:1 Definitions. In this chapter:

I. "Commission" means compensation paid a sales representative by a principal, the rate of which is expressed as a percentage of the dollar amount of orders or sales of the principal's product.

II. "Principal" means a person who manufactures, produces, imports or distributes a product for sale to customers who purchase the product for resale; uses a sales representative to solicit orders for such product; and compensates individuals who solicit orders, in whole or in part, by commission.

III. "Sales representative" means an individual other than an employee, who contracts with a principal to solicit orders and who is compensated, in whole or in part, by commission but shall not include one who places orders or purchases exclusively for his own account for resale.

IV. "Termination" means the end of services performed by the sales representative for the principal by either discharge or resignation.

339-E:2 Contract.

I. A sales representative and a principal shall enter into a written contract for services to be performed within this state by a sales representative. The written contract entered into pursuant to this section shall contain provisions which establish:

(a) The form of payment and the method by which such payment is to be computed and paid;

(b) Reasonable length of notice which either party must provide to the other for termination of the contract;

(c) The number of calendar days, up to a maximum of 45 days, after the date of termination when all commissions due shall be paid; and

(d) Any other terms and conditions which the parties agree to include in such contract.

III. The principal shall provide the sales representative a signed copy of a written contract entered into pursuant to this section.

IV. A provision in the contract establishing venue for an action arising under the contract in a state other than this state is void.

339-E:3 Damages. The party who fails to comply with a provision of a contract entered into under RSA 339-E:2 relating to payment of a commission is liable in a civil action for damages, plus reasonable attorney's fees and costs. The court may award exemplary damages in an action brought under this chapter.

339-E:4 Jurisdiction. A principal who is not a resident of this state who enters into a contract with a sales representative subject to this chapter shall be considered to be

doing business in this state for purposes of the exercise of personal jurisdiction over the principal.

AMENDED ANALYSIS

This bill establishes requirements for written contracts between sales representatives and principals and allows payment of damages and attorney's fees for breaches of such contracts.

This bill also declares personal jurisdiction over certain nonresident principals and states that any agreements that waive the requirements established by this bill are void.

SB 30-FN, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry. Ought to Pass.

This bill creates a study committee to review the financial services industry and will provide a much needed compilation of existing services and their relationship to existing statutes. Vote 12-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

SB 65-FN, establishing a committee to study mental health insurance benefits. Ought to Pass with Amendment.

This is an important issue, and the Committee felt it should be an in-house committee with the Governor appointing one member. The Committee feels that this will be more manageable than a larger group. All the experts will have the opportunity to be heard. Vote 13-0. Rep. Richard L. Hill for Commerce, Small Business and Consumer Affairs.

Amendment

Amend the bill by replacing section 1 with the following:

1 Committee Established. The general court determines that a study of the mental health insurance benefits under RSA 415:18-a, 419:5-a and 420:5-a is necessary. Therefore, the general court hereby establishes a committee to study such benefits. The membership of the committee shall be as follows:

I. Three members of the senate, appointed by the president of the senate.

II. Three members of the house of representatives, appointed by the speaker of the house.

III. One member appointed by the governor.

SB 125, adopting the uniform trade secrets act. Ought to Pass.

This bill provides equal protection to both the business community and their employees who may leave their employment in regard to the definition of trade secrets and intention pertaining to their use. Vote 12-0. Rep. Richard H. Krueger for Commerce, Small Business and Consumer Affairs.

SB 203-FN, relative to employing minors enrolled in school. Ought to Pass with Amendment.

The House amendment to Senate Bill 203 makes changes in the issuance of work certificates and also changes the work hour limitations placed on students during the school week. The amendment removes the five hour per day restriction and also the 10:00 p.m. restriction for students enrolled in school. The amendment does reduce from 36 to 30 the number of hours a student may work during the school week. The last part of the amendment gives a principal the authority to revoke a working certificate if a student fails academically. Vote 15-0. Rep. Dennis R. Bolduc for Education.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Work Hours for Youths Enrolled in School. RSA 276-A:4, VI is repealed and reenacted to read as follows:

VI. No youth 16 or 17 years of age who is duly enrolled in school shall be permitted to work more than 6 consecutive days or more than 30 hours during the school calendar week, which shall be Sunday through Saturday.

2 New Paragraph; School Vacation. Amend RSA 276-A:4 by inserting after paragraph VI the following new paragraph:

VII. No youth 16 or 17 years of age who is duly enrolled in school shall work for more than 6 consecutive days or 48 hours in any one week during school vacations, including summer vacation. For purposes of this paragraph, "summer vacation" means June 1 through Labor Day.

3 Certificates. Amend RSA 276-A:5, I to read as follows:

I. Certificates shall be issued by principals of schools or persons authorized by them *only after the determination of a satisfactory level of academic performance by the student*, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools or persons authorized by them may revoke the certificate. In the event principals of schools or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

4 New Paragraph; Civil Penalty Added. Amend RSA 276-A:5 by inserting after paragraph V the following new paragraph:

VI. Any employer not in compliance with the requirements of this section shall be assessed a minimum civil penalty of \$100.

5 New Section; Civil Penalties Added. Amend RSA 276-A by inserting after section 7 the following new section:

276-A:7-a Civil Penalties. In addition to other penalties and remedies imposed under this chapter, the commissioner may assess a civil penalty on an employer not to exceed \$1,000 for each violation of any provision of this chapter or rule adopted pursuant to this chapter. In assessing this penalty, the commissioner shall consider the nature of the violation, the employer's history of violations and the employer's good faith.

6 Reference Addition. Amend RSA 276-A:11 to read as follows:

276-A:11 Certain Labor. In addition to the prohibitions listed in RSA 276-A:4, III, IV, V, [and] VI, *and VII* no youth shall be employed or permitted to work at manual or mechanical labor in any manufacturing establishment more than 10 hours in any one day, or more than 48 hours in any one week. No youth shall be employed or be permitted to work at manual or mechanical labor in any other employment, except household labor and nursing, domestic, hotel and cabin including dining and restaurant service operated in connection with such service, and boarding house labor, operating in telegraph and telephone offices and farm labor, or canning of perishable vegetables and fruit, or as a laboratory technician, more than 10-1/4 hours in any one day, or more than 54 hours in any one week.

7 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill prohibits youths 16 or 17 years old who are enrolled in school from working more than 6 consecutive days or more than 30 hours during the school calendar week, which shall be Sunday through Saturday.

The bill also adds certain restrictions for such youths during school vacations.

The bill also authorizes the labor commissioner to assess civil penalties for violations of the youth employment law.

SB 32-FN, relative to drug offenses. Ought to Pass.

The bill reduces the quantity of controlled drugs found on a person for the purposes of manufacturing, sales or distribution. The bill also increases the penalties for distribution and for the use of minors in conspiracies involving drugs. The bill further reduces the amount of bond a person must post to claim an interest in seized property. Vote 16-0. Rep. C. William Johnson for Judiciary.

SB 44-FN, requiring the superior court to adjudicate paternity in certain contested cases. Ought to Pass with Amendment.

This bill, as amended, makes it easier to obtain enforcement of out-of-state child support orders by clarifying the responsibility of the court in determining paternity.

The Committee adopted an amendment which would make it easier to obtain enforcement of child support orders originating out of state. In the past persons having obligations for support have avoided enforcement by claiming "no paternity" knowing the court would not determine the paternity in question. Vote 16-0. Rep. Alice B. Record for Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

1 Required Adjudication of Paternity. Amend RSA 546:26-a to read as follows:

546:26-a Paternity. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, *and if it appears that no court of competent jurisdiction has determined paternity*, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court [may] *shall* adjudicate the paternity issue. [Otherwise] The court may adjourn the hearing until *it has adjudicated* the paternity issue [has been adjudicated].

AMENDED ANALYSIS

This bill requires the superior court to adjudicate the issue of paternity in contested cases when it is an issue in certain cases heard under the uniform reciprocal enforcement of support act. The court may adjourn the hearing until the paternity issue is decided.

SB 97-FN, relative to the distribution of drug forfeiture money. Ought to Pass with Amendment.

This bill increases the amount in the drug forfeiture fund from \$300,000 to one million dollars. It also changes the first distribution of percentage from \$50,000 to \$200,000. Currently the Office of Drug and Alcohol Abuse has a cap of \$200,000. Under this legislation it increases that cap to \$400,000. The other change is one that allows that the fund may also be used to pay extraordinary costs of local, county and

state drug prosecutions and trial expenses. These are changes that the Committee feels are more than appropriate at this time. Vote 15-0. Rep. Donnalee Lozeau for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Distribution of Drug Forfeiture Money. Amend RSA 318-B:17-b, IV(a) and IV(a)(1) to read as follows:

(a) Of the first [\$50,000] **\$200,000**:

(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipality or municipalities or county or counties where the law enforcement agency or agencies responsible for seizure of the money and auctioned items are located. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug related investigations, *except as provided in RSA 31:95-b*. Such funds shall be available for expenditure without further appropriation by the governing body of the municipality or county and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;

2 Drug Forfeiture Fund; ODAP Fund; Caps Increased. Amend the unnumbered concluding paragraph of RSA 318-B:17-b, IV(b) to read as follows:

The total amount of payments made to the special account for the office of alcohol and drug abuse prevention pursuant to subparagraphs IV(a)(2) and IV(b)(1) of this section shall at no time exceed [\$200,000] **\$400,000** in any fiscal year. All sums in the special account for the office of alcohol and drug abuse prevention in excess of [\$200,000] **\$400,000** shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed [\$300,000] **\$1,000,000**. All sums in the revolving drug forfeiture fund in excess of [\$300,000] **\$1,000,000** shall be credited to the general fund.

3 County and Municipal Expenses. Amend RSA 318-B:17-c, I to read as follows:

I. There is hereby established within the office of the state treasurer a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay the costs of local, county and state drug related investigations, as well as drug control law enforcement programs within New Hampshire. *The fund may also be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.*

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the cap on the revolving drug forfeiture fund from \$300,000 to \$1,000,000 and increases the cap on the special account for the office of alcohol and drug abuse prevention from \$200,000 to \$400,000.

This bill also allows drug forfeiture fund money to be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.

Referred to Appropriations.

SB 196-FN, relative to bail reform. Ought to Pass with Amendment.

The Committee amended SB 196 to conform with HB 738 concerning Bail Reform. Bail Reform was passed during the 1988 legislative session, but in practice it has caused concern to some judges and prosecutors. Attempts have been made in this session to correct this situation. The Attorney General's Office has proposed new amendments based on the pre-1988 bail laws. The Committee, because of time constraints, was unable to receive feedback from the practitioners affected by the proposed amendment and thus felt it wise to adopt the same amendment to this bill as was adopted to HB 738. Vote 13-2. Rep. W. Kent Martling for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to bail.

Amend the bill by replacing all after the enacting clause with the following:

1 Bail; When Allowed. RSA 597:1 is repealed and reenacted to read as follows:

597:1 When Allowed. Except for offenses punishable by death or for murder in the first degree where the proof is evident or the presumption is great, all persons arrested for a crime shall, before conviction, be released on personal recognizance or be bailable by sufficient sureties, whichever justice may require.

2 Bail Pending Appeal. RSA 597:1-a is repealed and reenacted to read as follows:

597:1-a Bail Pending Appeal.

I. After conviction for an offense punishable by death or by term of life imprisonment without possibility of parole, a defendant shall not be allowed bail.

II. Except as provided in paragraph I, any person appealing a conviction may be released pending an appeal on personal recognizance or be bailable by sufficient sureties as the court may require. The court shall consider, but not be limited to, the following criteria in determining whether bail is proper under the circumstances:

(a) Whether the person is likely to pose a danger to any other person or the community, intimidate witnesses, or otherwise interfere with the administration of justice.

(b) Whether there is a substantial risk that the person will not appear to answer the judgment following the conclusion of the appellate proceeding.

(c) Whether the appeal is frivolous or taken merely for delay.

(d) The nature of the crime charged.

(e) The length of the sentence imposed.

III. In any case where released is denied pending appeal, the presiding justice shall provide for the record the reasons for such denial.

3 New Section; Probationers and Parolees Excepted. Amend RSA 597 by inserting after section 1-b the following new section:

597:1-c Probationers and Parolees Excepted. Notwithstanding the provisions of RSA 597:1 and 597:1-a, a person serving a sentence of probation under RSA 651:2, V or a term of parole under RSA 651-A who is arrested on a new misdemeanor or felony charge shall not be eligible for bail for a period of 72 hours

from the time of his arrest to permit the supervising probation officer or parole officer to review the facts and circumstances surrounding the arrest. Law enforcement agencies who arrest a known probationer or parolee shall make prompt, reasonable attempts to notify the supervising probation officer or parole officer of the arrest, and probationers and parolees who are arrested and fail to advise their supervising probation officer or parole officer in accordance with the conditions of probation and parole may be subject to arrest and detention as probation and parole violators.

4 New Section; Ten Percent Bail Authorized. Amend RSA 597 by inserting after section 2-a the following new section:

597:2-b Ten Percent Bail Authorized. All courts are authorized to accept 10 percent of the amount required as bail to be held in escrow under procedures approved by the supreme court.

5 Appearance at Superior Court. RSA 597:6 is repealed and reenacted to read as follows:

597:6 Appearance at Superior Court. If the offense is bailable by the municipal or district court, the accused shall be ordered to recognize, with sufficient sureties in a reasonable amount, or personal recognizance, for his appearance at the superior court, at the next term thereof for the county at which a grand jury is required to attend, and to stand committed until the order is complied with.

6 Conditions for Release on Personal Recognizance. RSA 597:6-a is repealed and reenacted to read as follows:

597:6-a Conditions for Release on Personal Recognizance. Any person shall be eligible for, and in the case of misdemeanor, shall be entitled to, release on personal recognizance, upon satisfying the court or bail commissioner before whom he seeks release, of the following conditions:

I. That he is of such condition, both physical and mental, that his release will jeopardize neither himself nor the public.

II. That his employment, family ties, and residence within the state or other sufficient connection with the state make his failure to appear unlikely.

III. That he has not, prior to his application, failed to appear in any court when required to do so.

IV. That no other special circumstance exists creating a likelihood that he would fail to appear.

7 New Sections; Hearing Before a Justice; Petition to Superior Court. Amend RSA 597 by inserting after section 6-e the following new sections:

597:6-f Hearing Before a Justice. If a bail commissioner sets conditions on the release of an accused, the accused shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours. Sundays and holidays excepted.

597:6-g Petition to Superior Court to Review Bail. After bail has been fixed by a municipal or district court, by a justice or by a bail commissioner, any person charged with a criminal offense may petition the superior court to reduce bail or permit him to be released on personal recognizance, and the court may immediately act upon such petition.

8 Detention for Default or Breach of Conditions. RSA 597:7-a is repealed and reenacted to read as follows:

597:7-a Detention for Default or Breach of Conditions. A peace officer may detain an accused until he can be brought before a justice if he has a warrant

issued by a justice for default of recognizance or for breach of conditions of release or if he witnesses a breach of conditions of release. The accused shall be brought before a justice for a bail revocation hearing within 24 hours, Sundays and holidays excepted.

9 New Section; Failure to Appear; Punishment. Amend RSA 597 by inserting after section 14-b the following new section:

597:14-c Failure to Appear; Punishment. Any person charged with a crime punishable by imprisonment who, having been released on bail or his own recognizance, wilfully fails to appear as required before the court of this state having jurisdiction shall be liable to a punishment of not more than 1/2 of that which may be inflicted for the commission of the crime in connection with which he has been held to bail, but not more than 5 years imprisonment. A sentence of imprisonment under this section shall not be concurrent with any other sentence then being served or thereafter imposed upon such person, unless expressly made so by the court imposing sentence. Neither the penalty provided by this section or any prosecution under this section shall interfere with or prevent the forfeiture of any bail or the exercise by the court of its power to punish for contempt, but this section shall be construed to provide an additional penalty for failure to appear.

10 Default. RSA 597:31 is repealed and reenacted to read as follows:

597:31 Default. If any party recognized to appear makes default, the recognizance shall be declared forfeited, and the county attorney shall cause proceedings to be had immediately for the recovery of such forfeiture.

11 Cross-Reference. Amend RSA 262:27, III to read as follows:

III. Upon the failure of any nonresident to comply with the terms of such a traffic citation, the court having jurisdiction shall issue a warrant for his arrest and he shall be subject to the penalty provisions of RSA [597:14-b] **597:14-a**. The court shall notify the department of the failure of the cited nonresident to appear. Said notification shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle.

12 Repeal. The following are repealed.

I. RSA 597:6-d, relative to release or detention of a material witness.

II. RSA 597:6-e, relative to review and appeal of a release or detention order.

III. RSA 597:14-b, relative to penalty for offense committed on release.

13 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill repeals the 1988 bail reform act and reinstates the bail laws in effect prior to January 1, 1989.

SB 9, to clarify how to designate highways to summer cottages. Ought to Pass with Amendment.

This bill, as amended, clarifies how a Class V highway may be designated as a highway to summer cottages. When so designated, they do not require winter maintenance. The amendment deletes reference to Class VI roads which cannot and should not be so designated. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Keeping Open. RSA 231:81 is repealed and reenacted to read as follows:
231:81 Keeping Open Highways to Summer Cottages.

I. For the purposes of RSA 231:79-81, a highway to summer cottages may be designated:

(a) By the selectmen, upon petition, pursuant to RSA 231:8-12, to lay out a new highway or alter an existing highway; or

(b) By a majority vote of the town to designate an existing class V highway as a highway to summer cottages.

II. A highway which has been designated a highway to summer cottages may be opened, maintained and repaired the entire year:

(a) By the selectmen, upon petition, pursuant to the procedures of RSA 231-A:8-12; or

(b) By majority vote of the town.

III. The designation of a highway to summer cottages shall not be deemed altered by any change of use of land served by said highway, in the absence of action pursuant to paragraph II.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill clarifies how a highway may be designated a highway to summer cottages. The selectmen, upon petition, may designate the highway as a "highway to summer cottages" or a town, by majority vote, may designate an existing class V highway as a "highway to summer cottages".

Once designated a highway to summer cottages, it may be opened, maintained and repaired the entire year by the selectmen, upon petition, or by a majority vote of the town.

The designation of a highway to summer cottages shall not be deemed altered by any change of land use along the highway.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality. Ought to Pass with Amendment.

This bill, as amended, provides planning methodology for municipalities to deal with contiguous land which is located in more than one municipality. The amendment deletes a provision which is inconsistent with existing law and current practice governing planning board procedures on plats (RSA 676:4). Vote 14-0. Rep. Karen O. Wadsworth for Municipal and County Government.

Amendment

Amend RSA 674:53, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Each land use board shall be responsible for rendering a decision on the subject matter within its jurisdiction.

AMENDED ANALYSIS

This bill adds provisions to the local planning and regulatory powers of municipalities to deal with contiguous land which is located in more than one municipality. The bill addresses the problems of municipal boundary lines, approval of subdivisions, developments and lot uses, plats or plans showing land or streets in

more than one municipality, and joint meetings of local land use boards from more than one municipality.

The bill also requires planning boards to give notice under RSA 676:4, to certain municipalities who are abutters.

SB 140-FN, relative to elderly property tax exemptions and increases in the assessed valuation of real estate. Inexpedient to Legislate.

Each session of the legislature sees a number of bills to amend the RSAs as to the Elderly Exemption. Senate Bill 140 is one of those. If this bill became law it could be unconstitutional as it would, in effect, create numerous different amounts of exemptions for the elderly of any town which adopted its provisions. The courts have ruled that while real estate tax exemptions are constitutional, they must be uniform. The Committee believes that current RSA 72:43-h, if adopted by the towns and cities, can do constitutionally what SB 140 aims to do. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

SB 24, relative to liquor store displays and promotions. Ought to Pass with Amendment.

This bill changes the title of wine solicitor to "wine representative." The bill authorizes the Liquor Commission to adopt rules to detail the extent that these solicitors may intervene in liquor store displays and promotions. A wholesaler or manufacturer, other than an applicant for a permit, is prohibited from holding any financial interest in the business to which certain liquor permits are granted. Vote 17-0. Rep. Robert N. Kelley for Regulated Revenues.

Amendment

Amend RSA 175:16, III as inserted by section 4 of the bill by replacing it with the following:

III. It shall be unlawful, except as authorized by [procedural regulations promulgated] *rules adopted* by the commission *pursuant to RSA 541-A*, for any liquor representative, wine [solicitor] *representative*, liquor vendor, or wine vendor knowingly to intervene in the stocking, display, listing, delisting, or marketing policies, practices, or decisions of the commission regarding products authorized by the commission to be sold in this state.

Amend the bill by replacing all after section 7 with the following:

8 Financial Interest of a Manufacturer. Amend RSA 181:15 to read as follows:

181:15 Applications. Any persons desiring a permit under this chapter shall file with the commissioners an application therefor in such form as the commissioners may prescribe. Such application, except in the case of an application for a dining-car permit, vehicle permit, vessel permit, transportation permit or solicitor's permit, shall contain a statement setting forth the name and address of the owner of the premises upon which the business is to be conducted. Before a permit is issued the commissioners shall be satisfied that the applicant is financially responsible and generally fit for the trust to be in him reposed; that the applicant if an individual, or, if a partnership each of the members of the partnership, or if a corporation each of its principal officers and directors, is of good moral character, is a citizen of the United States not less than 21 years of age, and has never been convicted of a felony; except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized

by the permit for himself and not as the agent of another, and that he intends to superintend in person the management of the business permitted, or intends to have some other person, approved by the commissioners, manage the business for him; that in the case of an applicant for an on-sale or an off-sale permit *or any other permit under this chapter* no manufacturer or wholesaler of beverages other than the applicant has a [substantial] financial interest, direct or indirect, in the business or in the premises, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from or loaned or given by any manufacturer or wholesaler; and except in the case of an application for a solicitor's permit, that the proposed location of the business is an appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. A separate application shall be filed and a separate permit shall be issued with respect to each place of business. Every application shall be verified by the affidavit of the applicant, if an individual; if a partnership, by the affidavit of each partner; if a corporation, by the affidavit of the proper officer of the corporation.

9 Effective Date. This act shall take effect on July 1, 1989.

AMENDED ANALYSIS

This bill changes the name of a wine solicitor to a wine representative. The bill also details the extent to which industry members may display their products with consumers and retailers and the cost of such advertising.

The bill also prohibits a wholesaler or manufacturer, other than an applicant for a permit, to hold any financial interest in the business to which certain liquor permits are granted.

SB 94-FN, authorizing the sale of liquor and beverages in additional areas under a liquor license. Ought to Pass with Amendment.

This bill authorizes the Liquor Commission to extend permission for the outside sale of beverages and liquor to certain hotels, restaurants, clubs, performing arts facilities, convention centers, and fairs. The Commission will also be authorized to issue special licenses to caterers with on-site facilities to serve beverages and liquor on the premises of licensed establishments or on the premises of public buildings approved by the Commission. The amendment allows the bill to take effect immediately upon passage. Vote 14-0. Rep. Arthur P. Klemm for Regulated Revenues.

Amendment

Amend RSA 178:4-a, I as inserted by section 1 of the bill by replacing it with the following:

I. The commission may from time to time at its discretion [extend the provisions of] *grant permission to any holder of a license or permit issued under RSA 178:3, 178:3-a, 178:3-c, 178:3-d, [RSA] 178:4, [RSA] 178:5-b, 178:5-g, 178:7, 178:7-b, [and RSA] 178:8, 181:4, or 181:4-b* to [govern] *extend* the sale of beverages and liquor in any room of [said hotel other than the dining room] *such premises* or to any patio [or] *and* swimming pool area [not within direct view of any public way] *or to any other defined area, all to be approved by the commission.*

Amend RSA 178:4-a as inserted by section 1 of the bill by deleting paragraph III.

Amend the bill by replacing all after section 3 with the following:

4 Altering Seating Capacity Requirements. Amend RSA 178:3-c to read as follows:

178:3-c Restaurant Cocktail Lounges. The commission may issue a special license to any first-class restaurant holding a license issued under RSA 178:3-a to serve liquor and beverages in any room of said restaurant designated by the commission. The commission may extend such special license to include the serving of liquor and beverages on a patio area of [said] *the* restaurant [which is not within direct view of any public way]. Liquor and beverages served in such room or on such patio need not be consumed with meals. *The actual seating capacity of a restaurant cocktail lounge shall not exceed the actual seating capacity of the function rooms and public dining rooms.* The commission may also extend such special license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9 o'clock p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In [said] *the* overflow area, liquor and beverages need not be served with meals as required under RSA 178:3-a. [The number of guests allowed to use a dining area of the restaurant as a lounge on an overflow basis shall not exceed the number allowed to use the lounge area.] Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as can show the commission on forms and under rules [prescribed] *adopted* by the commission that at least 50 percent of the combined restaurant and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least [\$50,000] *\$100,000* shall be exempted from the 50 percent requirement, and the commission may prorate by rules the annual food sale requirements for bona fide seasonal restaurants on this basis. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said restaurant. The fee for such special license shall be \$262.50 per year.

5 Effective Date. This act shall take effect upon its passage.

SCR 1, amending joint rule 4-A(b). Inexpedient to Legislate.

The Committee felt that legislation in the second-year session of the Legislature should not be limited to approval of the Joint Rules Committee. Vote 6-0. Rep. Harold W. Burns for Rules.

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark. Ought to Pass with Amendment.

The Senate Bill would limit the horsepower of motors on Christine Lake in the town of Stark to 9-1/2 horsepower or less. The Committee, to be consistent with its past policy, amended the bill to ten horsepower. Vote 12-1. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend RSA 486:38 as inserted by section 1 of the bill by replacing it with the following:

486:38 Christine Lake. No person shall use or operate any power boat equipped with any type of power motor in excess of 10 horsepower on Christine Lake in the town of Stark. Any person who violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill limits the horsepower of motors on boats on Christine Lake in the town of Stark to 10 horsepower or less.

SB 39, establishing a speed limit for power boats on Spofford Lake. Ought to Pass.

This bill requests that a law require a speed limit for power boats on Spofford Lake. The Committee agrees with the speed of 40 miles per hour during daylight hours and 20 miles per hour during night hours and supported those figures by a vote of 15-1. Rep. Irvin H. Gordon for Transportation.

SB 40, requiring the department of safety to post headway speed limits on the Connecticut River. Ought to Pass.

The Committee concurs with the substance of the Senate amendment to this bill. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

SB 50, relative to measuring liquid hazardous waste. Ought to Pass with Amendment.

The bill requires hazardous waste transporters to measure and keep records of the amount of liquid hazardous waste collected from each generator. This requirement does not apply to persons transporting or delivering gasoline or diesel fuel. The amendment changes the penalty from a misdemeanor to a violation. Vote 16-0. Rep. Francis X. Donovan for Transportation.

Amendment

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Criminal Penalty; Violation. Amend RSA 147-A:16 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraph I, failure to measure or record liquid hazardous waste by transporters in accordance with RSA 147-A:6 shall be a violation.

AMENDED ANALYSIS

This bill requires hazardous waste transporters to measure and keep records of the amount of liquid hazardous waste collected from each generator. The bill declares that this requirement shall not apply to persons transporting or delivering gasoline or diesel fuel.

Any person violating these provisions shall be guilty of a violation.

SB 84, to require drivers on motorcycles to wear eye and face protection. Ought to Pass.

The Committee agreed that the danger of injury to eyes is so great as to justify legislation for protection when the vehicle is not equipped with a windshield or screen. Members agreed that the amendment in the Senate is adequate. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

SB 86, prohibiting power boats and ski craft on Wilson Lake. Ought to Pass with Amendment.

The Committee has amended this bill slightly by inserting the word petroleum before power boats. This will accomplish the desired results. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting petroleum powered boats on Wilson Lake.

Amend RSA 486:38 as inserted by section 1 of the bill by replacing it with the following:

486:38 Wilson Lake. The use or operation of petroleum powered boats is prohibited on Wilson Lake in the town of Salem. Any person violating this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill prohibits the use or operation of petroleum powered boats on Wilson Lake in the town of Salem.

SB 95-FN, establishing a minimum fine for violating the boat decibel limits. Ought to Pass.

The bill provides a mandatory fine for violating the boat decibel limits on noise. Vote 15-0. Rep. Roger Stewart for Transportation.

SB 114, relative to speed limits on certain roads. Inexpedient to Legislate.

The provisions of this bill are covered by legislation in HB 177 which was already passed by the House and sent to the Senate. Senator King, one of the sponsors, agrees to this fact and will work to pass it in the Senate. Vote 14-0. Rep. Irvin H. Gordon for Transportation.

SB 157-FN, relative to special license plates for solid waste haulers. Inexpedient to Legislate.

The bill requested the Department of Safety to issue specially designated license plates to address the problem of the identification of solid waste haulers. The Committee was not in favor of issuing another special plate for this reason.

A study of existing bills out of the Senate revealed that SB 66, relative to regulations of transporters of solid waste, would handle the problem. Vote 17-0. Rep. Harold D. Nelson for Transportation.

SB 180, relative to abandoned vehicles. Ought to Pass with Amendment.

The bill authorizes the Director of the Division of Motor Vehicles to suspend vehicle registrations and to refuse to register vehicles in cases where persons are convicted of abandoning a vehicle, or of abandoning a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

The bill requires the police departments to keep a log on requests and notices for the removal of abandoned vehicles. The bill also adds new provisions for removal and disposal of vehicles by storage companies, adds new penalties for abandoning a vehicle and changes the notice requirements for removing abandoned vehicles. Vote 16-0. Rep. John W. Flanders for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Suspension or Denial of Registration. Amend RSA 261 by inserting after section 178 the following new section:

261:179 Suspension or Denial of Registration for Abandoning Vehicle. The director may suspend any registrations issued to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle. The director may refuse to register any vehicle to a person who has been convicted of violating RSA 262:40-c or who has been found by the director to have abandoned a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

2 Log of Towing Requests Required. Amend RSA 262:40-a to read as follows:
262:40-a Vehicles Removed from Private Property.

I. The owner or person in lawful possession of any private property on which a vehicle is parked without his permission or is apparently abandoned may:

[I.] *(a)* Cause the removal of the vehicle in a reasonable manner provided he gives notice of such removal to a peace officer as soon as reasonably possible; or

[II.] *(b)* Notify a peace officer that he wishes to have such a vehicle removed from his property, whereupon the peace officer or another authorized official shall cause the removal of such vehicle pursuant to the removal, impoundment and notice procedures required by this subdivision.

II. Any police department which receives a request to have a vehicle removed or receives notice of a removal as provided in this section shall maintain a log of such requests and notices.

3 New Section; Offense Established. Amend RSA 262 by inserting after section 40-b the following new section:

262:40-c Abandoning a Vehicle; Penalty. No person shall abandon a motor vehicle, registered or unregistered, on any way or on any property other than his own without the permission of the owner or lessee of said property or, in the case of public property, of the police department having jurisdiction over the property. For the purposes of this section, a vehicle shall be considered abandoned if it has been left for more than 24 hours without the appropriate permission being given. The last owner of record of a motor vehicle found abandoned, as shown by the files of the department, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and to have been the person who abandoned the motor vehicle or caused or procured its abandonment. Any person who violates the provisions of this section shall be guilty of a violation and may be subject to the loss of driver's license and registration as provided in RSA 263:56 and RSA 261:179. The court may assess costs of abandoning a vehicle, including but not limited to, towing and storage costs, against any person convicted of abandoning a vehicle in violation of this section, and the director may suspend the driver's license of any person who has not paid such costs.

4 Points for Abandoned Vehicle Offenses. Amend RSA 263:56, II to read as follows:

II. For the purpose of identifying habitually reckless or negligent drivers and habitual or frequent violators of traffic regulations governing the movement of vehicles, the director shall adopt rules pursuant to RSA 260:5 establishing a uniform system assigning demerit points for convictions of violations of this title. The rules shall include a designated level of point accumulation which so identifies drivers. The director may assess points for convictions in other states of offenses which, if committed in this state, would be grounds for such assessment. Notice of the assessment of points may be given in accordance with rules adopted by the director. No points shall be assessed for violating a provision of this title regulating standing, parking, equipment, size or weight. *However, points may be assessed for convictions involving abandoned vehicles as provided in RSA 262:40-c, and points may be assessed against any person who is found by the director to have abandoned a vehicle and who has not satisfied the reasonable costs of removal and storage.* In case of the conviction of a licensee of 2 or more traffic violations committed on a single occasion, such licensee shall be assessed points for one offense only and if the offenses involved have different point values, such licensee shall be assessed for the offense having the greater point value. The director is authorized to suspend or revoke the license of a driver when his driving record identifies him as an habitually reckless or negligent driver or an habitual or frequent violator under this section. The director may, in accordance with rules adopted pursuant to this section, order the licensee to attend a group or private driver improvement interview regarding his driving ability and record.

5 New Section; Removal and Disposal of Vehicles. Amend RSA 262 by inserting after section 36 the following new section:

262:36-a Disposal by Storage Company.

I. If the owner of a motor vehicle removed or stored pursuant to RSA 262:33 or RSA 262:40-a does not claim the vehicle within 30 days, and the vehicle is more than 5 model years old at the time of removal, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38, provided that no notice by publication shall be required.

II. If the vehicle is 5 model years old or less at the time of removal and the vehicle has not been claimed within 30 days, the storage company may dispose of such vehicle after giving notice pursuant to RSA 262:38.

III. If the vehicle is no longer intended or in condition for legal use on the ways of the state, the storage company may dispose of the vehicle in less than 30 days and without the notice required by RSA 262:38 and RSA 444 upon written notice to the director and approval by the director subject to such rules as he shall adopt pursuant to RSA 541-A.

6 Removal of Notice Requirement. Amend RSA 262:37 to read as follows:

262:37 Sale Authorized. If the vehicle shall have been stored pursuant to this subdivision [for a period of 90 days] *and all the requirements of RSA 262:36 have been met*, the custodian of the vehicle may sell the same, at his place of business at public auction, for cash. [No sale under this section shall be valid unless the notice required by RSA 262:38 shall have been given.]

7 New Subparagraph; Rulemaking. Amend RSA 21-P:14, V by inserting after subparagraph (q) the following new subparagraph:

(r) Procedures and criteria for authorizing the disposal of abandoned vehicles pursuant to RSA 262:36-a.

8 Notice of Removal; Owners. Amend RSA 262:34 to read as follows:

262:34 Notice of Removal. Whenever an authorized official *or the owner or person in lawful possession of private property* directs the removal and storage of a vehicle as permitted in this subdivision, he shall, if he knows or is able to ascertain from the registration records of the division the name and address of record of the registered owner of the vehicle, attempt to give or have given by the most practicable means, notice of the fact of such removal and the place to which said vehicle has been removed. If the authorized official does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as provided in this section, such notice shall be filed with the director, which notice shall be placed on file by said director and open to public inspection.

9 Repeal. The following are repealed:

I. RSA 262:36, relative to notice to the director.

II. RSA 262:40-b, relative to reporting unclaimed vehicles.

10 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill authorizes the director of the division of motor vehicles to suspend vehicle registrations and to refuse to register vehicles in cases where persons are convicted of abandoning a vehicle, or of abandoning a vehicle without paying for the costs of removing, storing, and destroying the vehicle.

The bill requires police departments to keep a log of requests and notices for the removal of abandoned vehicles.

The bill also adds new provisions for removal and disposal of vehicles by storage companies, adds new penalties for abandoning a vehicle, and changes the notice requirements for removing abandoned vehicles.

SB 189, relative to the study of New Hampshire commuter rail service. Ought to Pass.

The bill establishes a study committee to examine the feasibility of a Nashua-Boston commuter rail service. The Committee supported the Senate amendment. Vote 17-0. Rep. Francis X. Donovan for Transportation.

SB 141-FN, providing business profits tax credits for the sale of certain conservation and recreation land. Inexpedient to Legislate.

This bill would provide business profits credits for the sale of certain conservation and recreation lands. While the intent has merit, the fiscal impact is unknown so the Committee recommends Inexpedient to Legislate. Vote 15-0. Rep. Vivian Barry for Ways and Means.

SB 171-FN, relative to revenue distribution. Ought to Pass with Amendment.

This bill establishes a direct reimbursement procedure from agency funds to the general fund for all payments made on behalf of the agency. Vote 13-0. Rep. Paul G. Blacketer for Ways and Means.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Reimbursements. Amend RSA 6 by inserting after section 10-c the following new section:

6:10-d Reimbursements. Whenever the treasurer shall pay a general or special appropriation from the general fund on behalf of any state agency and the source of funds for such appropriation is from a fund separate from the general fund, such agency shall reimburse the treasurer concurrently. If such agency fails to reimburse the treasurer concurrently, the treasurer may transfer funds from the agency's account to cover the payment and lost interest.

AMENDED ANALYSIS

This bill requires agencies funded by funds separate from the general fund to reimburse the treasurer concurrent with the payment made by the treasurer from the general fund on behalf of the agency.

The bill authorizes the treasurer to transfer funds from an agency's account to cover the payment and lost interest if the agency fails to reimburse the treasurer concurrently.

RECESS

(Deputy Speaker Burns in the Chair)

ENROLLED BILLS REPORT

HB 148-FN, relative to relocation assistance and real property acquisition.

HB 167-FN, relative to taking or acquisition of condominium common areas by eminent domain.

HB 219, relative to filing deeds and instruments with the register of deeds.

HB 267, relative to vicious dogs.

HB 277, to prohibit after market tinting on windshields and on certain windows of motor vehicles.

HB 298, relative to the statute of limitations for actions against governmental units.

HB 457, relative to municipal regulation of forestry.

SB 55, relative to the children's trust fund for the prevention of child abuse and neglect.

SB 118, relative to private rights-of-way and class VI highways.

HB 34, correcting references in the law relating to the division of water resources.

HB 93, relative to the board of nursing.

HB 237, relative to eviction of tenants with AIDS.

HB 373, relative to the use of automatic telephone dialing systems.

SB 29, relative to nonabandonment of dedicated streets.

SB 93, relative to the number of primary ballots to be used for computerized voting machines.

SB 127, relative to licensing physical therapists.

HB 209, establishing a committee to study the accessibility of nursing home care.

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

Rep. Mary Ann Lewis

Sen. David P. Currier

FOR THE COMMITTEE

ENROLLED BILLS AMENDMENTS

HB 676, relative to the operation of OHRVs on rights-of-way.

Amend RSA 236:56, II(d) as inserted by section 7 of the bill by replacing line 6 with the following:

supervisor of the bureau of off highway recreational vehicles.

This amendment corrects the name of the bureau of off highway recreational vehicles.

Adopted.

HB 375-FN, relative to long-term care insurance for the elderly.

Amend RSA 415-D:8 as inserted by section 2 of the bill by replacing lines 8-17 with the following:

I. A description of the principal benefits and coverage provided in the policy or certificate.

II. A statement of the principal exclusions, reductions, and limitations contained in the policy or certificate.

III. A statement of the renewal provisions, including any reservation in the policy or certificate of a right to change premiums.

IV. A statement that the outline of coverage is a summary of the policy or certificate issued or applied for and that the policy or the group policy should be consulted to determine governing contractual provisions.

Amend RSA 415-D:11, III as inserted by section 2 of the bill by replacing line 2 with the following:

group other than as described in paragraphs I and II and the

This amendment corrects the numbering of paragraphs in RSA 415-D:8 and corrects a reference.

Adopted.

HB 131-FN, relative to protective well radii for private water wells.

Amend RSA 149-E:3, XI as inserted by section 1 of the bill by replacing line 5 with the following:

paragraph is to require that all wells and associated protective radii be

This amendment corrects a technical reference.

Adopted.

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury.

Amend section 1 of the bill by replacing lines 2 - 3 with the following:

38 the following new section:

486:39 Waukeena Lake. No person shall use or operate any boat equipped

This amendment renumbers an RSA section to avoid duplicating the number of an RSA section inserted by 1989, chapter 84 (HB 154).

Adopted.

HB 138-FN, providing for a supported employment program and for an independent living program.

Amend RSA 200-C:18-23 as inserted by section 1 of the bill by renumbering said sections to read as 200-C:21, 200-C:22, 200-C:23, 200-C:24, 200-C:25, and 200-C:26.

This amendment renumbers certain sections to avoid duplicating the numbering of RSA sections inserted by 1989, chapter 51 (HB 134).

Adopted.

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth.

Amend section 6 of the bill by replacing lines 11 and 12 with the following:

representatives of the general court assembled for the annual sessions in January, 1989 and January, 1990.

This amendment corrects terminology in section 6 to refer to annual rather than biennial legislative sessions.

Adopted.

SENATE MESSAGE REQUESTS CONCURRENCE

SB 45, relative to child support enforcement.

Rep. Schotanus offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 45, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 45-FN, relative to child support enforcement. (Roberge Dist. 9, Nelson Dist. 13, Pignatelli Hillsborough 31, Domini Sullivan 5 - To Children, Youth and Juvenile Justice)

(Regular Calendar)

SB 173, adopting uniform commercial code Article 2A. Inexpedient to Legislate.

The Committee recommends that SB 173 should not be adopted at the present time, either as is or with minor changes. The adoption of Article 2A would neither be undesirable nor premature as only one state has adopted this legislation as of January 1989. Sixty-four pages on leases is not easily digested. Vote 15-0. Rep. C. Dana Christy for Commerce, Small Business and Consumer Affairs.

Resolution adopted.

SB 178, relative to campaign financing. Ought to Pass.

This bill addresses the issue of increasing campaign expenditures for state, executive and legislative offices. The bill establishes voluntary campaign expenditure limitations for the office of Governor, United States Senator, Representatives to Congress, Executive Council, State Senate, Representatives to the General Court and county offices. To encourage voluntary compliance with spending limitations, the bill's increased filing fees and requisite number of primary petitions by members of the party will be waived upon filing a written affidavit with the Secretary of State.

In addition, the bill establishes a legislative advisory committee to report to the Governor and the General Court and establishes a fine schedule for candidates who exceed permitted spending limits. Vote 11-0. Rep. Carol H. Holden for Constitutional and Statutory Revision.

Rep. Scott Green moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.

Reps. Gilmore and Flanagan spoke against the motion and yielded to questions.

Rep. Vartanian spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

YEAS 141

NAYS 200

YEAS 141 BELKNAP

Campbell, Richard H., Jr.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Holbrook, Robert G.
Richardson, Lawrence

Randall, Kenneth A.
Turner, Robert H.

CARROLL

Chandler, Gene G.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Saunders, Howard N.

Foster, Robert W.

CHESHIRE

Avery, Stephen G.
Doucette, Richard F.
Morse, JoAnn T.
Sawyer, Alfred P.

Blacketor, Paul G.
Hill, Douglas E.
Perry, David M.

Cole, Stacey W.
LaMar, David M.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Horton, Lynn C.

Dumont, Robert E.
Nelson, Harold D.

Guay, Lawrence J.

GRAFTON

Brown, Channing T.
Larson, Nils H., Jr.
Weymouth, Philip H.

Christy, C. Dana
Rose, William B.
Whitcomb, Henry F., Jr.

Hill, Richard L.
Stewart, Roger

HILLSBOROUGH

Ahrens, Frederick G.
Brady, Carolyn L.
Drabinowicz, A. Theresa
Green, Scott E.
Harlan, Susan N.
Hunter, Bruce F.
Knight, Alice Tirrell
Mason, Howard F.
Perham, Lester R.
Sallada, Roland A.
Toomey, Daniel
Wright, George W.

Alukonis, David J.
Desrosiers, William J.
Gagnon, Gabrielle V.
Grip, Robert H.
Hatch, William H.
Jasper, Shawn N.
Kress, Gloria W.
Ouellette, Robert O.
Robinson, Ellen-Ann
Schneiderat, Catherine A.
Tyree, Paul M.
Young, Willard N.

Amidon, Eleanor H.
Donovan, Francis X.
Goulet, Maurice E.
Gureckis, Adam C., Sr.
Hultgren, David D.
Keefe, Edmund M.
Lachut, Ervin R.
Pepino, Leo P.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Upton, Barbara A.

MERRIMACK

Anderson, Eleanor M.
Barberia, Richard A.
Fraser, Leo W., Jr.
Hayes, Robert C.
Lockwood, Robert A.
Smith, Gerald R.
West, George M.

Apple, Lowell D.
Boucher, Laurent J.
Gilbreth, Robert M.
Hill, Michael
Nichols, Avis B.
Stio, Peter M.

Asplund, Bronwyn L.
Fair, Patricia A.
Gross, Caroline L.
Kidder, William F.
Pfaff, Terence R.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Campbell, Marilyn R.
Fesh, Robert M.
Gage, Thomas U.
King, Roger C.
Magoon, Harold F.
Parr, Ednapearl F.
Ritzo, Eugene
Senter, Merilyn P.
Sytek, Donna P.
Welch, David A.

Boucher, William P.
Chase, Lawrence A., Jr.
Flanders, John W., Sr.
Hoar, John, Jr.
Klemm, Arthur P., Jr.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Roulston, Donald L.
Simon, Peter M.
Tufts, J. Arthur

Brown, Jeffrey M.
Felch, Charles H., Sr.
Gage, Beverly A.
Johnson, Robert A.
MacDonald, Maurice B.
Pantelakos, Laura C.
Remick, Barbara R.
Sanderson, Patricia O.
Stachowske, Vicki
Vartanian, Elsie

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Musler, George T.
Swope, Warren L.

Bickford, Drucilla
Kincaid, William K.
Parks, Joe B.
Tsiros, William

Brown, Julie M.
Meserve, John H.
Stewart, Glenn W.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Middleton, John A.

Brodeur, Robert J.
Lucier, Edward A., Jr.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Stamatakis, Carol M.

NAYS 200**BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Pearson, Ralph W.

Bolduc, Dennis R.
Locke, Matthew J.
Rosen, Ralph J.

Golden, Paul A.
Maviglio, Steven R.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
MacDonald, Kenneth J.

Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.
Wiggin, Allen R.

CHESHIRE

Crutchley, Donald O.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.

Delano, Robert F.
Grodin, Richard A.
Metzger, Katherine H.
Spear, Susan S.

Foster, Katherine D.
Hunt, John B.
Miller, Jeffrey C.
Young, David A.

COOS

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Woodburn, Jeffrey R.

Kilbride, Dennis J.
Oleson, Otto H.

Lemire, George
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Eno, Larry E.
Shackett, Ralph E.
Ward, Kathleen W.

Bean, Pamela B.
Copenhaver, Marion L.
Nordgren, Sharon L.
Teschner, Douglass P.

Bennett, Shirley M.
Driscoll, William J.
Scanlan, David M.
Townsend, Howard C.

HILLSBOROUGH

Andrews, Frederick B.
Barry, William M.
Bourque, Ann J.
Cowenhoven, Garret P.

Baldizar, Barbara J.
Beaupre, Roland O.
Bowers, Dorothy C.
Cox, Gladys M.

Barry, Vivian
Biondi, Christine A.
Burkush, Peter A.
Culbert, Patrick

Daigle, Robert A.
 Domaingue, Jacquelyn M.
 Dyer, Merton S.
 Fields, Dennis H.
 Ford, Nancy M.
 Guilbert, Lionel
 Holden, Carol H.
 Johnson, Lionel W.
 Klose, John F.
 Long, Linda D.
 McCann, Bonnie Lou
 Messier, Irene M.
 Pappas, Toni
 Provost, Gilles R.
 Riley, Frances L.
 Stiles, Walter A.
 Vanderlosk, Stanley R.

Bardsley, Elizabeth S.
 Daneault, Gabriel
 Holmes, Mary C.
 Lewis, Mary Ann
 Provencal, Leo A.
 Trombly, Rick A.

Bell, Juanita L.
 Brown, Lewis W.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 MacKinnon, Nancy W.
 McGovern, Cynthia A.
 Parsons, Robert F.
 Seward, Russell G.
 Sochalski, Matthew M.
 Weddle, Michael R.

Appleby, James E.
 Flynn, Anita A.
 Frechette, Roland A.
 Kinney, Paula J.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Torr, Ann M.
 Wheeler, Katherine Wells

Desrochers, Gerard T.
 Drolet, Paul L., Jr.
 Dykstra, Leona
 Flood, Jacqueline J.
 Frank, Nancy G.
 Hall, Betty B.
 Jean, Romeo W.
 Kelley, Robert N.
 Kurk, Neal M.
 Lown, Elizabeth D.
 McDowell, James E.
 Morrisette, Roland A.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Smith, Leonard A.
 Tarpley, Nancy L.
 Wheeler, David K.

MERRIMACK

Beaton, Nancy C.
 Dunn, Miriam D.
 Jacobson, Alf E.
 Pantzer, Eugene E.
 Shaw, Randall F.
 Wallner, Mary Jane

ROCKINGHAM

Benton, Richardson D.
 Bucu, Stephen W.
 Conroy, Janet M.
 Drake, Herbert R.
 Flanders, Harry E.
 Gourdeau, Raymond H.
 Hoelzel, Kathleen M.
 Kane, Cecelia D.
 Klemarczyk, Thaddeus E.
 McCain, William F.
 McKinney, Betsy
 Popov, Elizabeth M.
 Sherburne, John L.
 Vaughn, Charles L.
 Wells, Henry E.

STRAFFORD

Burton, Wayne M.
 Flynn, Edward J.
 Gilmore, Gary R.
 Marston, Robert E.
 O'Brien, John
 Spencer, Leo J.
 Torr, Ralph W.
 Young, John B.

Dodge, Emma M.
 Dube, Ellen C.
 Emerton, Lawrence A., Sr.
 Foote, Herbert N., Sr.
 Genest, Fernand A.
 Healy, Daniel J.
 Jenkins, Mary
 King, John A.
 Lawrence, Norman B.
 Lozeau, Donnalee M.
 McNerney, Daniel P.
 Nardi, Theodora P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Soucy, Lillian E.
 Turgeon, Roland M.

Braiterman, Thea G.
 Hall, Douglas E.
 Johnson, C. William
 Phelps, James D.
 Soldati, Jennifer
 Whittemore, James A.

Blanchard, MaryAnn N.
 Campbell, Eunice M.
 Cooke, Annette M.
 Dube, LeRoy S.
 Ford, Bert H.
 Greene, Elizabeth A.
 Hollingworth, Beverly A.
 Katsakiores, George N.
 Lovejoy, Virginia K.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Rosencrantz, James R.
 Skinner, Patricia M.
 Warburton, Calvin
 Wright, David B.

Callaghan, Robert J.
 Foss, Patricia H.
 Keans, Sandra B.
 Martling, W. Kent
 Pelley, Janet R.
 Sullivan, Henry P.
 Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
Rodeschin, Beverly T.
and the motion lost.

Domini, Irene C.
Schotanus, Merle W.

Hinrichsen, Keith L.

Ordered to third reading.

SB 112, establishing a study committee to examine corporal punishment in and the regulation of child care agencies and schools. Inexpedient to Legislate.

Corporal punishment is not defined in this bill. This could be a possible intrusion into private schools and is a local matter. The Committee thinks that the task force already in existence is a better vehicle for studying this problem. Vote 16-1. Rep. Robert M. Gilbreth for Education.

Resolution adopted.

SB 66, relative to regulation of transporters of solid waste. Ought to Pass with Amendment.

This bill clarifies which department oversees the regulation of refuse transporters by vesting that authority in the Department of Safety. This legislation also requires that refuse transporters be "fit, willing and able to perform properly" their services. The bill, as amended, encourages free enterprise among competing refuse transporters. Vote 16-0. Rep. Rick A. Trombly for Environment and Agriculture.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to regulation of refuse transporters.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Refuse Transporters Covered. Amend RSA 375-B by inserting after section 3 the following new section:

375-B:3-a Regulation of Refuse Transporters. Any person who transports refuse as defined in RSA 149-M:1, XVII-a and otherwise qualifies as a common or contract carrier shall not be exempt from the provisions of this chapter by virtue of the fact that he transports refuse. Refuse as defined in RSA 149-M:1, XVII-a shall be considered to be property for the purpose of this chapter. A person who transports refuse as a common or contract carrier shall be required to meet the provisions of this chapter and the rules adopted under this chapter and shall be subject to the penalties specified.

2 Reference Added; Exception for Refuse Transporters. Amend RSA 375-B:5, III(c) to read as follows:

(c) The proposed service must be required by the present or future public convenience. *This condition does not apply to an application seeking authority to transport refuse as defined in RSA 149-M:1, XVII-a.*

3 Exception; Refuse Transporters. Amend RSA 375-B:7 to read as follows:

375-B:7 Issuance of Contract Carrier Permits. A permit shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, VII, authorizing in whole or in part the operations covered by the application, if it appears from the application, or from any hearing held thereon, that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation, to the extent authorized by

the permit, will be consistent with the public interest and the policy declared in RSA 375-B:1; otherwise, such application shall be denied. *An applicant seeking authority to transport refuse as defined in RSA 149-M:XVII-a, however, need not establish consistency with the public interest to be issued a permit.* The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the department under the provisions of this chapter; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities as the development of the business and the demands of the public may require.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides for the regulation of refuse transporters under existing provisions for common and contract carriers. It exempts refuse transporters from the requirement of demonstrating that the service is consistent with the public interest prior to the issuance of a permit.

Amendment adopted.

Ordered to third reading.

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: This agreed bill is the result of a six-month study by a joint House/Senate committee which held many lengthy hearings all through last summer into the fall. Everyone agrees that existing laws applicable to these excavations are inadequate. The final draft is supported by and agreed to by the New Hampshire Municipal Association, the General Contractors, the State Conservation Groups, the Society for the Protection of New Hampshire Forests, many municipal and city officials and various other groups who were consulted through this period. The House has further amended the bill to narrow and clarify the definition of "contiguous" in the description of grandfathered pits. Grandfathered pits, now totally unregulated, will, in the future, be subject to local regulation by explicit operational and reclamation standards. To remain grandfathered they must comply with these standards and must register with their local regulator within a year and define the extent of material they will utilize. Moreover, the grandfathered rights will be lost if they are abandoned for three years or more. Also, if a landowner does not reclaim as required, the town may do so at the owner's expense. The bill enacts a comprehensive scheme of regulation of the excavation of construction aggregate and the reclamation of the areas excavated. It provides needed guidance to town officials and provides clearly understood enforcement powers to the towns. Vote 9-6. Rep. Elizabeth A. Greene for the Majority of Environment and Agriculture.

MINORITY: This is an industry bill for regulating the excavation of sand and gravel in our state. In its present form it has loopholes which could cause our towns and municipalities many problems. It could override local zoning by requiring Boards of Adjustment to grant special exceptions according to criteria which could be different

from local ordinances. The Minority believes that these loopholes should be addressed while the bill is in the possession of the House. Waiting until next session for another bill will allow a flawed bill to become law without assurance that both Houses will address the problems these loopholes will create. A bill is needed which will balance industry and community interests relating to the removal of sand and gravel from our towns and state. Rep. Betty B. Hall for the Minority of Environment and Agriculture.

Amendment

Amend RSA 155-E:2, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Such an excavation site may not be expanded, without a permit under this chapter, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to, and in common ownership with, the excavation site of that date, and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site as of that date, as modified by the limitations of RSA 155-E:4-a, I and II, provided further that the term "contiguous" in this paragraph means land whose parameter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town.

Amend RSA 155-E:2, I(d) and (e) as inserted by section 3 of the bill by replacing them with the following:

(d) The owners or operators of any existing excavation site for which no permit has been obtained under this chapter shall file a report with the local regulator within one year after receiving written notice of this requirement from the regulator and in no case later than 2 years following the effective date of this subparagraph. The report shall include:

(1) The location of the excavation and the date the excavation first began;

(2) A description of the limits of permissible expansion, as described in subparagraph (b), which are claimed to apply to the excavation;

(3) An estimate of the area which has been excavated at the time of the report; and

(4) An estimate of the amount of commercially-viable earth materials still available on the parcel.

(e) The exemption from local zoning or site location regulations as stated in subparagraph (a) shall include the quarrying or crushing of bedrock for the production of construction aggregate; provided, however, that no owner shall, after the effective date of this subparagraph, permit any such quarrying or crushing of bedrock to occur for the first time on any excavation site without first obtaining a permit therefor under this chapter.

Amend RSA 155-E:2, II(b) as inserted by section 3 of the bill by replacing it with the following:

(b) In addition to the enforcement remedies of RSA 155-E:10, the regulator may order the owner of any land upon which an abandoned excavation is located to either file a reclamation timetable and bond or other security as described in subparagraph I(a), or to complete reclamation in accordance with this chapter within a stated reasonable time. Such an order shall only be made following a hearing for which

notice has been given in accordance with RSA 155-E:7, if the regulator finds that the public health, safety, or welfare requires such reclamation. If the owner fails to complete reclamation within the time prescribed in the order, the regulator may request the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

Amend RSA 155-E:2, III as inserted by section 3 of the bill by replacing it with the following:

III. Stationary Manufacturing Plants. No permit shall be required under this chapter for excavation from an area contiguous to, or from contiguous land in common ownership with, stationary manufacturing and processing plants in operation for operation as of August 24, 1979, which use earth obtained from such areas. Such excavation shall be performed in compliance with the operational standards of RSA 155-E:4-a and the reclamation standards of RSA 155-E:5 and 155-E:5-a, and may be expanded, without a permit under this chapter to any contiguous lands which are in common ownership with the site of the plant, on the effective date of this section, as limited by 155-E:4-a, I, II, and III.

Amend the bill by replacing section 7 with the following:

7 Prohibited Projects. RSA 155-E:4, III is repealed and reenacted to read as follows:

III. When the excavation is not permitted by zoning or other applicable ordinance, provided, however, that in municipalities which have commercial earth resources on unimproved land within their boundaries, and which do not provide for reasonable opportunities for excavation of some of those resources, or in municipalities which have zoning ordinances which do not address the subject of excavations, excavation shall be deemed to be a use allowed by special exception as provided in RSA 674:33, IV, and the zoning board of adjustment shall grant such a special exception upon a finding that:

(a) The excavation will not cause an unreasonable diminution in area property value or unreasonably change the character of the neighborhood;

(b) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof; and

(c) The excavation will not create any unreasonable nuisance or create health or safety hazards.

Amend the bill by renumbering sections 13-20 to read as 12-19, respectively.

Rep. Betty Hall moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment and spoke to her motion.

Reps. Elizabeth Greene, Grodin and Trombly spoke against the motion.

Reps. Bardsley and Katherine Wheeler spoke in favor of the motion and yielded to questions.

(Speaker in the Chair)

Rep. Martling spoke in favor of the motion.

Rep. Stacey Cole spoke against the motion.

A roll call was requested. Sufficiently seconded.

YEAS 136**NAYS 211****YEAS 136****BELKNAP**

Bolduc, Dennis R.
Hawkins, Robert S.
Vogler, Charles C.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Ziegra, Alice S.

Golden, Paul A.
Rice, Thomas E. P., Jr.

CARROLL

Dickinson, Howard C., Jr.
Wiggin, Allen R.

Olimpio, J. Lisbeth

Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Foster, Katherine D.

Cole, Kenneth A.
Pratt, Irene A.

Delano, Robert F.
Spear, Susan S.

COOS

Mayhew, Josephine

GRAFTON

Arnesen, Deborah L.
Densmore, Edward D.
Nordgren, Sharon L.
Shackett, Ralph E.

Bennett, Shirley M.
Eno, Larry E.
Rose, William B.

Copenhaver, Marion L.
Larson, Nils H., Jr.
Scanlan, David M.

HILLSBOROUGH

Amidon, Eleanor H.
Bourque, Ann J.
Dodge, Emma M.
Dykstra, Leona
Ford, Nancy M.
Hall, Betty B.
Jasper, Shawn N.
King, John A.
Lachut, Ervin R.
McDowell, James E.
Nardi, Theodora P.
Pignatelli, Debora B.
Rheault, Lillian I.
Tarpley, Nancy L.
Wright, George W.

Baldizar, Barbara J.
Burkush, Peter A.
Donovan, Francis X.
Elliott, Larry G.
Frank, Nancy G.
Holden, Carol H.
Jean, Romeo W.
Kress, Gloria W.
Long, Linda D.
McNerney, Daniel P.
O'Rourke, JoAnne A.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Turgeon, Roland M.

Barry, William M.
Cox, Gladys M.
Dube, Ellen C.
Flood, Jacqueline J.
Grip, Robert H.
Hultgren, David D.
Johnson, Lionel W.
Kurk, Neal M.
Lown, Elizabeth D.
Messier, Irene M.
Perham, Lester R.
Reidy, Frank J.
Soucy, Lillian E.
Upton, Barbara A.

MERRIMACK

Bardsley, Elizabeth S.
Gilbreth, Robert M.
Holmes, Mary C.
Whittemore, James A.

Beaton, Nancy C.
Hayes, Robert C.
Soldati, Jennifer

Braiterman, Thea G.
Hill, Michael
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Hollingworth, Beverly A.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Remick, Barbara R.

Blanchard, MaryAnn N.
Conroy, Janet M.
Hoar, John, Jr.
Kane, Cecelia D.
McGovern, Cynthia A.
Parsons, Robert F.
Ritzo, Eugene

Caswell, Albert, Jr.
Drake, Herbert R.
Hoelzel, Kathleen M.
McCain, William F.
McKinney, Betsy
Popov, Elizabeth M.
Rosencrantz, James R.

Sanderson, Patricia O.
Sochalski, Matthew M.
Wells, Henry E.

Senter, Marilyn P.
Vaughn, Charles L.

Sherburne, John L.
Weddle, Michael R.

STRAFFORD

Bernard, Mary E.
Callaghan, Robert J.
Gilmore, Gary R.
Marston, Robert E.
O'Brien, John
Spencer, Leo J.
Wall, Janet G.

Brown, Julie M.
Dionne, Albert J.
Keans, Sandra B.
Martling, W. Kent
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

Burton, Wayne M.
Frechette, Roland A.
Kincaid, William K.
Merrill, Amanda A.
Scharff, Thomas E.
Vincent, Francis C.
Young, John B.

SULLIVAN

Brodeur, Robert J.
Lucier, Edward A., Jr.

Burling, Peter Hoe
Stamatakis, Carol M.

Flint, Gordon B.

NAYS 211

BELKNAP

Ballou, Richard A.
Locke, Matthew J.
Richardson, Lawrence

Hardy, Earle D.
Pearson, Ralph W.
Rosen, Ralph J.

Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Saunders, Howard N.

Chandler, Gene G.
Foster, Robert W.

Daly, Robert J., Jr.
MacDonald, Kenneth J.

CHESHIRE

Blacketor, Paul G.
Gordon, Irvin H.
Hunt, John B.
Matson, William R.
Morse, JoAnn T.
Sawyer, Alfred P.

Cole, Stacey W.
Grodin, Richard A.
LaMar, David M.
Metzger, Katherine H.
Pearson, Gertrude B.
Young, David A.

Crutchley, Donald O.
Hill, Douglas E.
Laurent, John J.
Miller, Jeffrey C.
Perry, David M.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Nelson, Harold D.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Oleson, Otto H.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Christy, C. Dana
Hill, Richard L.
Teschner, Douglass P.
Weymouth, Philip H.

Bean, Pamela B.
Dow, David O.
LaMott, Paul I.
Townsend, Howard C.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Driscoll, William J.
Stewart, Roger
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Bowers, Dorothy C.
Culbert, Patrick
Desrosiers, William J.
Drolet, Paul L., Jr.
Fields, Dennis H.

Alukonis, David J.
Beaupre, Roland O.
Brady, Carolyn L.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Dyer, Merton S.
Foote, Herbert N., Sr.

Andrews, Frederick B.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.

Genest, Fernand A.
Gureckis, Adam C., Sr.
Healy, Daniel J.
Keefe, Edmund M.
Knight, Alice Tirrell
Lozeau, Donnalee M.
Ouellette, Robert O.
Pepino, Leo P.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Vanderlosk, Stanley R.

Anderson, Eleanor M.
Boucher, Laurent J.
Fair, Patricia A.
Hager, Elizabeth
Johnson, C. William
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
West, George M.

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Cote, Patricia L.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Simon, Peter M.
Sytek, Donna P.
Warburton, Calvin

Appleby, James E.
Foss, Patricia H.
Musler, George T.
Swope, Warren L.
Tsiros, William

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Green, Scott E.
Harlan, Susan N.
Hunter, Bruce F.
Kelley, Robert N.
Lawrence, Norman B.
McCann, Bonnie Lou
Packard, Bonnie B.
Provost, Gilles R.
Sallada, Roland A.
Smith, Leonard A.
Toomey, Daniel
Wheeler, David K.

MERRIMACK

Apple, Lowell D.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hall, Douglas E.
Kidder, William F.
Pantzer, Eugene E.
Provencal, Leo A.
Teague, Bert

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Gourdeau, Raymond H.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
Palumbo, Vincent J., Jr.
Roulston, Donald L.
Skinner, Patricia M.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Flynn, Anita A.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

SULLIVAN

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Guilbert, Lionel
Hatch, William H.
Jenkins, Mary
Klose, John F.
Lefebvre, Roland J.
Morrisette, Roland A.
Pappas, Toni
Riley, Frances L.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Tyree, Paul M.
Young, Willard N.

Barberia, Richard A.
Dunn, Miriam D.
Gross, Caroline L.
Jacobson, Alf E.
Lockwood, Robert A.
Pfaff, Terence R.
Shaw, Randall F.
Trombly, Rick A.

Boucher, William P.
Buco, Stephen W.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Magoon, Harold F.
Parr, Ednapearl F.
Seward, Russell G.
Stachowske, Vicki
Vartanian, Elsie
Wright, David B.

Flynn, Edward J.
Merve, John H.
Stewart, Glenn W.
Torr, Ralph W.

Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

and the motion lost.

Amendment adopted.

Ordered to third reading.

SB 156-FN, relative to refuse disposal. Ought to Pass with Amendment.

This bill allows towns with unlined landfills to charge neighboring towns on an extra tipping fee if they don't remove the recyclables. The fees collected shall be set aside for closure. Vote 14-3. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Refuse Recycling or Reduction. Amend RSA 149-M by inserting after section 21 the following new section:

149-M:22 Refuse Recycling or Reduction.

I. Beginning January 1, 1991, no person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system, unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 15 percent. Beginning January 1, 1992, no person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system, unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 20 percent. Prior to October 1, 1992, the provisions of this paragraph shall not apply to continuing disposal of refuse in such a facility occurring as of the effective date of this section pursuant to a written agreement with such facility's permit holder, or any town disposing of refuse at such a facility within its own borders.

II. Persons who transport refuse to a public solid waste landfill facility, which is not lined and does not have a leachate collection system, may be required by the town in which such facility is located to pay an additional tipping fee per ton, provided that for refuse which is recycled or reduced pursuant to the schedule in paragraph I, the additional tipping fee shall be reduced by 50 percent per ton, and provided further that this paragraph shall not apply to any town disposing of refuse at a solid waste facility within its own borders. Additional tipping fees established and paid under this paragraph shall be retained in a closure fund and applied against the town's costs for a plan for closure or for closure of the facility when it occurs.

III. Weight reduction under this section may include removal of recyclable materials, composting, resource recovery, any other method approved by the division of waste management, or any combination of such methods. Refuse or any solid waste resulting from such reduction methods shall not be subject to further weight reduction pursuant to this section.

IV. If the division of waste management finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

Amend RSA 149-M:1, XVII-b as inserted by section 2 of the bill by replacing it with the following:

XVII-b "Recyclable materials" shall include separated clear and colored glass, aluminum, ferrous and non-ferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, and all paper.

AMENDED ANALYSIS

This bill requires that after January 1, 1991, for refuse disposed of at a private landfill facility with a lining and leachate collection system, all recyclable materials must be removed from such waste or the waste must be reduced in weight by at least 15 percent.

On January 1, 1992, the percentage at private facilities is increased to 20 percent. These requirements will apply to towns disposing of refuse within their borders after October 1, 1992.

The town in which a public waste disposal facility is located may assess an additional tipping fee for waste disposed of at the public facility which is not lined and does not have a leachate collection system. The additional tipping fee does not apply to towns disposing of waste within their borders. These fees are to be deposited into a closure fund.

Rep. Elizabeth Greene moved that SB 156 be made a Special Order for Tuesday, May 9, 1989.

Motion adopted.

SB 87-FN, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease. Ought to Pass with Amendment.

The bill addresses the problem of follow-up of exposure to blood-borne diseases by firefighters, police and EMTs. Testimony developed that there are also other groups at risk. Testimony, which lasted several hours, was so conflicting that the Committee concluded the problem was too complex to be resolved without more detailed study. Therefore, the Committee has amended this bill to call for a study committee. The study committee is required to propose legislation for the 1990 session. Vote 12-0. Rep. Joe B. Parks for Health, Human Services and Elderly Affairs.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study exposure by certain
persons to infectious disease.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court realizes that firefighters, emergency medical care providers, and police officers often are exposed to infectious disease during the course of performing their duties. Therefore, the general court hereby creates a committee to study this problem which may cause serious and long-term effects for such persons to determine a cohesive and comprehensive method of addressing this issue.

2 Committee Established; Duties.

I. There is established a committee to study the exposure by firefighters, emergency medical care providers and police officers to infectious disease during the course of their daily duties. The membership of the committee shall be:

(a) Two members of the house of representatives, who shall also be members of the health, human services and elderly affairs committee, appointed by the speaker of the house.

(b) Two members of the senate, one of whom shall be from the public institutions, health and human services committee, appointed by the president of the senate.

(c) A public member appointed by the governor.

(d) The director of the division of public health services, department of health and human services or his designee.

(e) The director of the bureau of disease control, division of public health services, department of health and human services.

(f) A representative from the New Hampshire Firefighters Association, appointed by such association.

(g) A representative from the New Hampshire Hospital Association, appointed by such association.

(h) A representative from the New Hampshire Medical Society, appointed by such association.

(i) A representative from the New Hampshire Police Association, appointed by such association.

(j) A representative from the New Hampshire Nurses Association, appointed by such association.

(k) A representative from the New Hampshire Association of Emergency Medical Technicians, appointed by such association.

II. The primary duty of the committee shall be to study the problem of exposure by firefighters, emergency medical care providers, and police officers to infectious disease while performing their daily duties and to recommend any appropriate action or legislation for the 1990 legislative session.

III. The first member appointed from the house health, human services and elderly affairs committee under subparagraph II(a) of this section shall serve as chairperson of the committee.

3 Report. The committee shall report its findings and recommendations to the speaker of the house, the president of the senate and the governor no later than November 1, 1989, with any proposed legislation for the 1990 legislative session.

4 Compensation. The members of the committee shall serve without compensation except that the legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the exposure by firefighters, emergency medical care providers and police officers to infectious disease when they are performing their daily duties.

The bill requires the committee to submit its findings and recommendations to the speaker of the house, president of the senate and the governor no later than September 30, 1989.

Amendment adopted.

Ordered to third reading.

SB 27, relative to the liability of landowners for pollutant clean-up. Ought to Pass with Amendment.

The amendment to this bill will make it consistent with current policy and will not be in conflict with federal laws. This bill limits the liability of landowners and former landowners for the treatment or cleanup of pollutants discovered on their property. Vote 14-6. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the liability of landowners
for hazardous waste cleanup.

Amend the bill by replacing section I with the following:

1 Liability of Landowners Limited; Hazardous Waste Cleanup. Amend RSA 147-B:10-a to read as follows:

147-B:10-a Defenses; *Liability of Landowners Limited.*

I. There shall be no liability under RSA 147-B:10, I for a person otherwise liable who can establish by a preponderance of the evidence that the release or threat of release of hazardous wastes or hazardous materials, and the resulting damages were caused solely by:

[I.] (a) An act of God;

[II.] (b) An act of war; or

[III.] (c) An act or omission of a third party other than an employee, agent, or independent contractor of the defendant, if the defendant establishes by a preponderance of the evidence that he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and that he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions.

II. *Notwithstanding any other provision of law, an owner or former owner of property shall not be held strictly liable for the treatment or cleanup of hazardous waste or hazardous materials discovered on his property if:*

(a) *He did not, in any way, cause or materially contribute to the hazardous substance problem.*

(b) *He reported the existence of the hazardous substance to the appropriate authorities within a reasonable time of discovery.*

(c). *He can prove that he had no knowledge and could not have obtained knowledge of the hazardous substance problem prior to his purchase of the property.*

AMENDED ANALYSIS

This bill limits the liability of landowners and former landowners for the treatment or cleanup of hazardous waste discovered on their property.

Amendment adopted.

Ordered to third reading.

SB 52, relative to drug paraphernalia. Ought to Pass with Amendment.

Under the Controlled Drug Act, possession of certain items defined as "drug paraphernalia" is illegal. Nonetheless, certain retail stores are selling these items. Although these items are illegal, the court has ruled that the seller cannot determine the buyer's intended use of the items. This bill shifts the determination of intent of use to that of the seller by stating "it shall be unlawful for any person, at retail, to sell or offer for sale any drug paraphernalia listed in RSA 318-B:1, X-a. The seller shall be presumed to know that such item of drug paraphernalia will be used, is intended for

use, or is customarily intended for use for the purpose enumerated in RSA 318-B:1, X-a.”

The Committee has inserted into the law the phrase “customarily used.” It has also included cocaine kits in the paraphernalia list.

Finally, the Committee has included a severability clause, to preserve the law in case any part of it is struck down by the courts. Vote 13-5. Rep. Donnalee Lozeau for Judiciary.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Definition; Drug Paraphernalia. Amend RSA 318-B:1, X-a to read as follows:

X-a. “Drug paraphernalia” means all equipment, products and materials of any kind which are used or intended for use *or customarily intended for use* in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(a) Kits used or intended for use *or customarily intended for use* in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits *including but not limited to cocaine kits*, used or intended for use *or customarily intended for use* in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(c) Isomerization devices used or intended for use *or customarily intended for use* in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used or intended for use *or customarily intended for use* in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(e) Scales and balances used or intended for use *or customarily intended for use* in weighing or measuring controlled substances;

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use *or customarily intended for use* in cutting controlled substances;

(g) Separation gins and sifters used or intended for use *or customarily intended for use* in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used or intended for use *or customarily intended for use* in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used or intended for use *or customarily intended for use* in packaging small quantities of controlled substances;

(j) Containers and other objects used or intended for use *or customarily intended for use* in storing or concealing controlled substances;

(k) Objects used or intended for use *or customarily intended for use* in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

- (3) Carburetion tubes and devices;
- (4) Smoking and carburetion masks;
- (5) Chamber pipes;
- (6) Carburetor pipes;
- (7) Electric pipes;
- (8) Air-driven pipes;
- (9) Chillums;
- (10) Bongs;
- (11) Ice pipes or chillers;

2 Drug Paraphernalia; Acts Prohibited. Amend RSA 318-B:2, II and III to read as follows:

II. It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used *or is customarily intended to be used* to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

II-a. It shall be unlawful for any person, at retail, to sell or offer for sale any drug paraphernalia listed in RSA 318-B:1, X-a. The seller shall be presumed to know that such item of drug paraphernalia will be used, is intended for use, or is customarily intended for use for the purposes enumerated in RSA 318-B:1, X-a.

III. It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, when viewed as a whole, is to promote the sale of objects intended for use *or customarily intended for use* as drug paraphernalia.

3 Determination Whether Drug Paraphernalia. Amend RSA 318-B:2, IV (1) to read as follows:

(1) *Whether the object is customarily intended for use as drug paraphernalia and* the existence and scope of *other* legitimate uses for the object in the community; and

4 Severability. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

5 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill redefines "drug paraphernalia" for purposes of the controlled drug act to include objects which are customarily intended for use with drugs.

The bill prohibits persons, at retail, from selling or offering for sale drug paraphernalia. The bill states that the seller shall be presumed to know that such drug paraphernalia will be used, is intended for use, or is customarily intended for use for illegal drug-related purposes.

Amendment adopted.

Ordered to third reading.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. Ought to Pass with Amendment.

The bill, if enacted, would return monies collected for violations of certain municipal ordinances to the cities and towns which enacted those ordinances. At the mo-

ment, monies from these violations inure to the state, which is not involved in their enforcement or collection. The amendment increases certain motor vehicle fees, fines for reckless driving, and license renewal, and the service of process fee. This will cover any loss of state revenue. Any overage will help with the judicial branch revenue problem. Vote 14-3. Rep. Elizabeth D. Lown for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the disposition of fines and forfeitures collected for
violations of municipal ordinances, codes, and regulations;
increasing the penalty for reckless driving; and
relative to service of process and
motor vehicle fees.

Amend the bill by replacing all after section 2 with the following:

3 Motor Vehicles; Fees Increased. Amend RSA 261:20, I to read as follows:

I. The department shall be paid the following fees:

(a) For filing an application for a first certificate of title, with or without a lienholder named, [\$7] **\$12**;

(b) For a certificate of title after a transfer, with or without a lienholder named, [\$7] **\$12**;

(c) For a duplicate certificate of title, [\$7] **\$12**;

(d) For an ordinary certificate of title issued upon surrender of a distinctive certificate, [\$7] **\$12**;

(e) For filing a notice of security interest, [\$7] **\$12**;

(f) For a certificate of search of the records of the division, for each name or identification number searched against, [\$7] **\$12**;

(g) For filing an assignment of security interest, [\$1] **\$3**;

(h) For issuing a distinctive New Hampshire number in place of a vehicle identification number, [\$10] **\$20**.

4 Driver's License Restoration Fee Increased. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked for a period of greater than 15 days, a fee of [\$25] **\$40** shall be paid by the licensee to the restoration of such license.

5 Driver's License Reinstatement Fee Increased. Amend RSA 263:56-a, III(a) to read as follows:

(a) Payment to the director of a fee of [\$25] **\$40**, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(f), and

6 Reckless Driving; Minimum Penalty Increased. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than [\$100] **\$250**

nor more than \$500 and his license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

7 Fee for Service of Process Increased; Out-of-State Defendants. Amend RSA 510:4, II to read as follows:

II. SERVICE OF PROCESS ON SECRETARY OF STATE. Service of process upon any person who is subject to the jurisdiction of this state, as provided in this section, may be made by leaving a copy thereof, with a fee of [\$3] \$5, in the hands or office of the secretary of state. Such service shall be of the same legal force and effect as if served on the defendant at his abode or place of business in the state or country where he resides and according to the law of that state or country, provided that notice thereof and a copy of the process is forthwith sent by registered mail, postage prepaid, by the plaintiff or his attorney to the defendant at his last known abode or place of business in the state or country in which the defendant resides. The defendant's return receipt and an affidavit of the plaintiff or his attorney of compliance with the section shall be appended to the process and entered therewith. In the event that the notice and a copy of the process are not delivered to or accepted by the defendant, the court may order such additional notice, if any, as justice may require.

8 Service of Process; Cross-reference. Amend RSA 510:4, IV to read as follows:

IV. CONTINUANCE OF ACTION; COSTS. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of [\$3] \$5 paid to the secretary of state by the plaintiff at the time of the service shall be taxed in his costs if he prevails in his suit.

9 Effective Date. This act shall take effect January 2, 1990.

AMENDED ANALYSIS

This bill provides that the district and municipal courts shall, after deducting court expenses, pay fines collected for violations of most municipal ordinances, codes, or regulations over to the municipality whose ordinance, code, or regulation was violated.

This bill increases the fee for service of process on an out-of-state defendant, fees charged by the division of motor vehicles, and the minimum fine for reckless driving.

Amendment adopted.

Referred to Appropriations.

SB 76, establishing a committee to study durable powers of attorney for health care. Ought to Pass with Amendment.

The Committee considered a comprehensive amendment to the bill. The amendment provides for durable powers of attorney to serve persons who become incapacitated, but not with their terminal illness. Many Committee members felt that additional provisions allowing the withholding of nutrition and fluids should be considered, but the Majority voted for the amendment as presented. Vote 14-1. Rep. Peter Hoe Burling for Judiciary.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to durable power of attorney for health care.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The purpose of this act is to enable adults to retain control over their own medical care during periods of incapacity through the prior designation of an individual to make health care decisions on their behalf, within the limits provided in this act and within the limits of the laws of this state as to the capacity of persons to have such control and the power of agents to act for principals.

2 New Chapter; Durable Power of Attorney for Health Care. Amend RSA by inserting after chapter 137-I the following new chapter:

CHAPTER 137-J

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

137-J:1 Definitions. As used in this chapter:

I. "Agent" means an adult to whom authority to make health care decisions is delegated under a durable power of attorney for health care.

II. "Attending physician" means the physician, selected by or assigned to a patient, who has primary responsibility for the treatment and care of the patient.

III. "Capacity to make health care decisions" means the ability to understand and appreciate the nature and consequences of a health care decision, including the significant benefits and harms of and reasonable alternatives to any proposed health care.

IV. "Durable power of attorney for health care" means a document delegating to an agent the authority to make health care decisions executed in accordance with the provisions of this chapter.

V. "Health care decision" means consent, refusal to consent, or withdrawal of consent to any care, treatment, service or procedure to maintain, diagnose, or treat an individual's physical or mental condition except as prohibited in this chapter or otherwise by law. This definition shall not include the provision of hydration and nutrition.

VI. "Health care provider" means an individual or facility licensed, certified, or otherwise authorized or permitted by law to administer health care, for profit or otherwise, in the ordinary course of business or professional practice.

VII. "Ombudsman" means the chief executive officer of the office of ombudsman or an employee of the office of ombudsman established under RSA 126-A:11-c.

VIII. "Principal" means a person 18 years of age or older who has executed a durable power of attorney for health care.

IX. "Residential care provider" means a "facility" as defined in RSA 126-A:11-b, V, a "nursing home" as defined in RSA 151-A:1, IV, or any individual or facility licensed, certified, or otherwise authorized or permitted by law to operate, for profit or otherwise, a residential care facility for adults.

137-J:2 Scope and Duration of Authority.

I. Subject to the provisions of this chapter and any express limitations set forth by the principal in the durable power of attorney for health care, the agent shall have the authority to make any and all health care decisions on the principal's behalf that the principal could make.

II. After consultation with the attending physician and other health care providers, the agent shall make health care decisions in accordance with the agent's knowledge of the principal's wishes and religious or moral beliefs, as stated orally, or as contained in the durable power of attorney for health care or in a terminal care document executed pursuant to the provisions of RSA 137-H; or if the principal's wishes are unknown, in accordance with the agent's assessment of the principal's best interests and in accordance with accepted medical practice.

III. Under a durable power of attorney for health care, the agent's authority shall be in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician and filed in the principal's medical record. When and if a person regains capacity to make such decisions, such event shall be noted in the principal's medical record.

IV. Notwithstanding that a durable power of attorney for health care is in effect and irrespective of the principal's capacity to make health care decisions at the time, treatment may not be given to or withheld from the principal over the principal's objection. The principal's attending physician shall make reasonable efforts to inform the principal of any proposed treatment, or of any proposal to withdraw or withhold treatment.

V. Nothing in this chapter shall be construed to give an agent the authority:

(a) To consent to voluntary admission to any state institution;

(b) To consent to a voluntary sterilization;

(c) To consent to the withholding of nutrition or hydration, or both; or

(d) To consent to withholding life-sustaining treatment from a pregnant patient, unless, to a reasonable degree of medical certainty, as certified on the patient's chart by the attending physician and an obstetrician who has examined the patient, such treatment or procedures will not maintain the patient in such a way as to permit the continuing development and live birth of the unborn child or will be physically harmful to the patient or prolong severe pain which cannot be alleviated by medication.

137-J:3 Use of Statutory Forms.

I. Every person wishing to execute a durable power of attorney for health care shall be provided with a disclosure statement substantially in the form set forth in RSA 137-J:14 prior to execution. The principal shall be required to sign a statement acknowledging that he has received the disclosure statement and has read and understands its contents.

II. A durable power of attorney for health care executed on or after January 1, 1990, shall be substantially in the form set forth in RSA 137-J:15.

137-J:4 Restrictions on Who May Act as Agent. A person may not exercise the authority of agent while serving in one of the following capacities:

I. The principal's health care provider.

II. A nonrelative of the principal who is an employee of the principal's health care provider.

III. The principal's residential care provider.

IV. A nonrelative of the principal who is an employee of the principal's residential care provider.

137-J:5 Execution and Witnesses. The durable power of attorney for health care shall be signed by the principal in the presence of at least 2 or more subscribing witnesses, neither of whom shall, at the time of execution, be the agent, the principal's health or residential care provider or the provider's employee, the principal's spouse, heir, a person entitled to any part of the estate of the principal upon the death of the principal under a will or deed in existence or by operation of law, or any other person who has, at the time of execution, any claims against the estate of the principal. The witnesses shall affirm that the principal appeared to be of sound mind and free from duress at the time the durable power of attorney for health care was signed and that the principal affirmed that he was aware of the nature of the document and signed it freely and voluntarily. If the principal is physically unable to sign, the dura-

ble power of attorney for health care may be signed by the principal's name written by some other person in the principal's presence and at the principal's express direction.

137-J:6 Revocation.

I. A durable power of attorney for health care shall be revoked:

(a) By notification by the principal to the agent or a health or residential care provider orally, or in writing, or by any other act evidencing a specific intent to revoke the power;

(b) By execution by the principal of a subsequent durable power of attorney for health care; or

(c) By the divorce of the principal and spouse, where the spouse is the principal's agent. Re-execution or re-affirmation of the durable power of attorney for health care following divorce shall make effective the designation of the former spouse as agent under the durable power of attorney.

II. A principal's health or residential care provider who is informed of or provided with a revocation of a durable power of attorney for health care shall immediately record the revocation in the principal's medical record and notify the agent, the attending physician, and staff responsible for the principal's care of the revocation.

137-J:7 Inspection and Disclosure of Medical Information. Subject to any limitations set forth in the durable power of attorney for health care by the principal, an agent whose authority is in effect may for the purpose of making health care decisions:

I. Request, review, and receive any information, oral or written, regarding the principal's physical or mental health, including, but not limited to, medical and hospital records.

II. Execute any releases or other documents which may be required in order to obtain such medical information.

III. Consent to the disclosure of such medical information.

137-J:8 Action by Provider.

I. A principal's health or residential care provider, and employees thereof, having knowledge of the principal's durable power of attorney for health care, shall be bound to follow the directives of the principal's designated agent to the extent they are consistent with this chapter and the durable power of attorney for health care.

II. When the direction of an agent requires an act or omission contrary to the moral or ethical principles or other standards of a health or residential care provider which the principal is a patient or resident, the care provider shall allow for the transfer of the patient to another facility and shall incur no liability for its refusal to carry out the terms of the direction by the agent, provided that the health or residential care provider shall inform the agent of its decision not to participate in such an act or omission.

137-J:9 Freedom from Influence.

I. No health care provider or residential care provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan shall charge a person a different rate or require any person to execute a durable power of attorney for health care as a condition of admission to a hospital, nursing home, or residential care home, nor as a condition of being insured for, or receiving health or residential care. Health or residential care shall not be refused because a person has executed a durable power of attorney for health care.

II. A durable power of attorney for health care shall not be effective if, at the time of execution, the principal is being admitted or is a resident of a nursing or residential

care home unless an ombudsman, recognized member of the clergy, attorney licensed to practice in this state, or other person as may be designated by the probate court for the county in which the facility is located, signs a statement affirming that he has explained the nature and effect of the durable power of attorney for health care to the principal. It is the intent of this section to recognize that some residents of nursing or residential care homes are insulated from a voluntary decision-making role, by virtue of the custodial nature of their care, so as to require special assurance that they are capable of willingly and voluntarily executing a durable power of attorney for health care.

137-J:10 Reciprocity. Nothing in this chapter limits the enforceability of a durable power of attorney for health care or similar instrument executed in another state or jurisdiction in compliance with the law of that state or jurisdiction. However, any exercise of power under such a foreign durable power of attorney or similar instrument shall be restricted by and in compliance with the requirements of this chapter and the laws of the state of New Hampshire.

137-J:11 Immunity.

I. No person acting as agent pursuant to a durable power of attorney for health care shall be subjected to criminal or civil liability for making a health care decision in good faith pursuant to the terms of the durable power of attorney for health care and the provisions of this chapter, if *such person* exercised such power in a manner consistent with the requirements of this chapter and New Hampshire law.

II. No health or residential care provider, nor any other person acting for the provider or under the provider's control, shall be subjected to civil or criminal liability, nor be deemed to have engaged in unprofessional conduct, for any act or intentional failure to act done in good faith if the act or intentional failure to act is done pursuant to the dictates of the durable power of attorney for health care, the directives of the patient's agent, and the provisions of this chapter. Nothing in this section shall be construed to establish immunity for the failure to exercise due care in the provision of services or for actions contrary to the requirements of this chapter or other laws of the state of New Hampshire.

137-J:12 Effect of Appointment of Guardian.

I. On motion filed in connection with a petition for appointment of a guardian or on petition of a guardian if one has been appointed, the probate court shall consider whether the authority of an agent designated pursuant to a durable power of attorney for health care should be suspended or revoked. In making its determination, the probate court shall take into consideration the preferences of the principal as expressed in the durable power of attorney for health care.

II. To the extent that a durable power of attorney for health care conflicts with a terminal care document executed in accordance with RSA 137-H, the instrument executed later in time shall control.

137-J:13 Liability for Health Care Costs. Liability for the cost of health care provided pursuant to the agent's decision shall be the same as if the health care were provided pursuant to the principal's decision.

137-J:14 Durable Power of Attorney; Disclosure Statement. The disclosure statement which must accompany a durable power of attorney for health care shall be in substantially the following form:

INFORMATION CONCERNING THE DURABLE POWER OF ATTORNEY FOR HEALTH CARE

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT YOU SHOULD KNOW THESE IMPORTANT FACTS:

Except to the extent you state otherwise, this document gives the person you name as your agent the authority to make any and all health care decisions for you when you are no longer capable of making them yourself. "Health care" means any treatment, service or procedure to maintain, diagnose or treat your physical or mental condition. Your agent therefore can have the power to make a broad range of health care decisions for you. Your agent may consent, refuse to consent, or withdraw consent to medical treatment and may make decisions about withdrawing or withholding life-sustaining treatment. Your agent cannot consent or direct any of the following: commitment to a state institution, sterilization, withdrawal of hydration or nutrition, or termination of treatment if you are pregnant and if the withdrawal of that treatment is deemed likely to terminate the pregnancy unless the failure to withhold the treatment will be physically harmful to you or prolong severe pain which cannot be alleviated by medication.

You may state in this document any treatment you do not desire, except as stated above, or treatment you want to be sure you receive. Your agent's authority will begin when your doctor certifies that you lack the capacity to make health care decisions. You may attach additional pages if you need more space to complete your statement.

Your agent will be obligated to follow your instructions when making decisions on your behalf. Unless you state otherwise, your agent will have the same authority to make decisions about your health care as you would have had if made consistent with state law.

It is important that you discuss this document with your physician or other health care providers before you sign it to make sure that you understand the nature and range of decisions which may be made on your behalf. If you do not have a physician, you should talk with someone else who is knowledgeable about these issues and can answer your questions. You do not need a lawyer's assistance to complete this document, but if there is anything in this document that you do not understand, you should ask a lawyer to explain it to you.

The person you appoint as agent should be someone you know and trust and must be at least 18 years old. If you appoint your health or residential care provider (e.g. your physician, or an employee of a home health agency, hospital, nursing home, or residential care home, other than a relative), that person will have to choose between acting as your agent or as your health or residential care provider; the law does not permit a person to do both at the same time.

You should inform the person you appoint that you want him or her to be your health care agent. You should discuss this document with your agent and your physician and give each a signed copy. You should indicate on the document itself the people and institutions who will have signed copies. Your agent will not be liable for health care decisions made in good faith on your behalf.

Even after you have signed this document, you have the right to make health care decisions for yourself as long as you are able to do so, and treatment cannot be given to you or stopped over your objection. You have the right to revoke the authority granted to your agent by informing him or her or your health care provider orally or in writing.

This document may not be changed or modified. If you want to make changes in the document you must make an entirely new one.

You may wish to designate an alternate agent in the event that your agent is unwilling, unable, or ineligible to act as your agent. Any alternate agent you designate will have the same authority to make health care decisions for you.

THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS SIGNED IN THE PRESENCE OF TWO (2) OR MORE QUALIFIED WITNESSES WHO MUST BOTH BE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE. THE FOLLOWING PERSONS MAY NOT ACT AS WITNESSES:

- the person you have designated as your agent;
- your health or residential care provider or one of their employees;
- your spouse;
- your lawful heirs or beneficiaries named in your will or a deed;
- creditors or persons who have a claim against you.

137-J:15 Durable Power of Attorney; Form. The durable power of attorney shall be in substantially the following form:

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I,, hereby appoint of as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this document or prohibited by law. This durable power of attorney for health care shall take effect in the event I become unable to make my own health care decisions.

(a) STATEMENT OF DESIRES, SPECIAL PROVISIONS, AND LIMITATIONS REGARDING HEALTH CARE DECISIONS.

Here you may include any specific desires or limitations you deem appropriate, such as when or what life-sustaining measures should be withheld, or instructions to refuse any specific types of treatment that are inconsistent with your religious beliefs or unacceptable to you for any other reason.

.....
.....
.....
.....
.....
.....

(attach additional pages as necessary)

(b) THE SUBJECT OF LIFE-SUSTAINING TREATMENT IS OF PARTICULAR IMPORTANCE.

For your convenience in dealing with that subject, some general statements concerning the withholding or removal of life-sustaining treatment are set forth below. IF YOU AGREE WITH ONE OF THESE STATEMENTS, YOU MAY INCLUDE THE STATEMENT IN THE BLANK SPACE ABOVE:

If I suffer a condition from which there is no reasonable prospect of regaining the ability to think and act for myself, I want care directed to my comfort and dignity, but authorize my agent to decline all other treatment the primary purpose of which is to prolong my life.

I want my life sustained by any reasonable medical measures, regardless of my condition.

In the event the person I appoint above is unable, unwilling or unavailable to act as my health care agent, I hereby appoint of as alternate agent.

I hereby acknowledge that I have been provided with a disclosure statement explaining the effect of this document. I have read and understood the information contained in the disclosure statement.

The original of this document will be kept at and the following persons and institutions will have signed copies:

.....
.....
.....

In witness whereof, I have hereunto signed my name this day of, 19

Signature

I declare that the principal appears to be of sound mind and free from duress at the time the durable power of attorney for health care is signed and that the principal has affirmed that he or she is aware of the nature of the document and is signing it freely and voluntarily.

Witness: Address:

Witness: Address:

Statement of ombudsman, hospital representative, or other authorized person (to be signed only if the principal is in or is being admitted to a hospital, nursing home, or residential care home):

I declare that I have personally explained the nature and effect of this durable power of attorney to the principal and that the principal understands the same.

Date:

Name: Address:

137-J:16 Civil Action. Any person who is a near relative of the principal or a responsible adult who is directly interested in the principal, including but not limited to a guardian, social worker, physician, or clergyman, may file an action in superior court requesting that the durable power of attorney for health care be revoked on the grounds that the principal was not of sound mind or was under duress, fraud, or undue influence when the durable power of attorney for health care was executed and shall have all the rights and remedies provided by RSA 506:7 which shall apply to documents executed under this chapter and persons acting pursuant to this chapter.

3 Applicability. Nothing in this act is intended to affect the validity or enforceability of durable powers of attorney as they pertain to health care executed prior to January 1, 1990.

4 Effective Date. This act shall take effect January, 1, 1990.

AMENDED ANALYSIS

This bill allows adults to execute a “durable power of attorney for health care” document, designating an agent to make health care decisions on their behalf during any future periods of incapacity. The bill sets out a disclosure statement to accompany the durable power of attorney for health care document and establishes a form for the document.

The bill defines the scope and duration of the agent's authority and places restrictions on who may act as an agent. It also limits the liability of persons acting as agents and of health and residential care providers who act under the dictates of the durable power of attorney for health care or the directives of a patient's agent.

Amendment adopted.

Ordered to third reading.

Rep. Record wished to be recorded in opposition to SB 76.

SB 110, relative to joint and several liability and to pollution liability. Majority: Ought to Pass with Amendment. Minority: Ought to Pass with Amendment.

MAJORITY: This bill left something to be desired. The Committee worked hard to understand the issues brought before it, and the problems presented to it. After an extensive hearing, and a productive work session, the Committee reached final agreement on an amendment which fairly allocates the verdict share of an insolvent defendant among all of the solvent defendants found to have fault and the plaintiff, if found to have fault, the allocation to be made pro rata according to the parties share of fault. Vote 14-6. Rep. Peter Hoe Burling for the Majority of Judiciary.

MINORITY: The issue of joint and several liability produced many hours of testimony and required many hours of serious consideration by the Committee. Seven roll call votes were taken; however, the Committee never voted on SB 110 as it was sent over from the Senate. The amendment described in the Majority report was voted out 14-6, by a Committee that was exasperated and wished to do something positive on the issue.

The Minority of the Committee feels that the amendment proposed in the Majority report delivers little to the broad ranging constituency in New Hampshire, who favor the intent of SB 110. Under this amendment, a person who may be found to be only slightly at-fault, could still be required to pay 100 percent of the awarded damages. Therefor, this amendment does not address in any real or positive way the central issue of unfairness in the joint and several liability doctrine.

The Minority of the Committee would like the House to vote down the amendment in the majority report, which is little more than a window dressing, and vote for the Minority floor amendment, which is a true compromise based on the 50 percent rule adopted in other states. This amendment lost in Committee on a vote of 8-12; however, two of the nay votes were cast by members who favored SB 110, as written. This clearly shows that the Committee was evenly split on the issue.

The New Hampshire House should adopt real tort reform for the State of New Hampshire and its counties, municipalities, school districts and business communities. The Minority amendment fairly apportions damages to at-fault individuals and entities. The amendment does not abolish existing law, which provides for harsh judgments against those who actively and knowingly cause harm, nor does it modify or limit liability for environmental damages. This amendment is simply an equitable compromise from the current unfair doctrine of joint and several liability. Reps. Shawn N. Jasper, Robert A. Lockwood, Thomas U. Gage, David D. Hultgren, W. Kent Martling and Alice B. Record for the Minority of Judiciary.

Rep. Jasper moved that the report of the Minority be substituted for the report of the Majority, and spoke to his motion.

Reps. Burling, William Johnson, Keans and Hollingworth spoke against the motion and yielded to questions.

Reps. Thomas Gage, Sytek and Rodeschin spoke in favor of the motion.

(Deputy Speaker Burns in the Chair)

Rep. Palumbo spoke in favor of the motion and yielded to questions.

(Speaker in the Chair)

Rep. Lozeau spoke against the motion.

Rep. Torr moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 205**NAYS 134****YEAS 205****BELKNAP**

Ballou, Richard A.
Golden, Paul A.
Rosen, Ralph J.
Ziegra, Alice S.

Bolduc, Dennis R.
Hardy, Earle D.
Turner, Robert H.

Campbell, Richard H., Jr.
Locke, Matthew J.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
LaMar, David M.
Miller, Jeffrey C.
Perry, David M.

Blacketor, Paul G.
Gordon, Irvin H.
Laurent, John J.
Morse, JoAnn T.
Sawyer, Alfred P.

Cole, Stacey W.
Grodin, Richard A.
Metzger, Katherine H.
Pearson, Gertrude B.
Young, David A.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Marsh, Beaton

Buckley, C. Fitzgerald, III
Guay, Lawrence J.

Burns, Harold W.
Horton, Lynn C.

GRAFTON

Bean, Pamela B.
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Whitcomb, Henry F., Jr.

Brown, Channing T.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.

Christy, C. Dana
Larson, Nils H., Jr.
Stewart, Roger
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Desrosiers, William J.
Dyer, Merton S.
Foote, Herbert N., Sr.
Hatch, William H.
Jasper, Shawn N.
Klose, John F.
Lachut, Ervin R.
Lown, Elizabeth D.

Alukonis, David J.
Barry, Vivian
Brady, Carolyn L.
Culbert, Patrick
Dodge, Emma M.
Emerton, Lawrence A., Sr.
Grip, Robert H.
Hultgren, David D.
Keefe, Edmund M.
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou

Amidon, Eleanor H.
Biondi, Christine A.
Cowenhoven, Garret P.
Daigle, Robert A.
Drolet, Paul L., Jr.
Fields, Dennis H.
Harlan, Susan N.
Hunter, Bruce F.
Kelley, Robert N.
Kurk, Neal M.
Lefebvre, Roland J.
McDowell, James E.

McNerney, Daniel P.
Pepino, Leo P.
Provost, Gilles R.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Wheeler, David K.

Ouellette, Robert O.
Perham, Lester R.
Rheault, Lillian I.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.

Packard, Bonnie B.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Vanderlosk, Stanley R.

MERRIMACK

Apple, Lowell D.
Fraser, Leo W., Jr.
Hayes, Robert C.
Kidder, William F.
Nichols, Avis B.
Shaw, Randall F.

Boucher, Laurent J.
Gilbreth, Robert M.
Hill, Michael
Lewis, Mary Ann
Pantzer, Eugene E.
Stio, Peter M.

Fair, Patricia A.
Hager, Elizabeth
Holmes, Mary C.
Lockwood, Robert A.
Phelps, James D.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Campbell, Marilyn R.
Cote, Patricia L.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
Palazzo, Frank J., Sr.
Raynowska, Bernard J.
Roulston, Donald L.
Simon, Peter M.
Stachowske, Vicki
Warburton, Calvin

Boucher, William P.
Conroy, Janet M.
Drake, Herbert R.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Palumbo, Vincent J., Jr.
Ritzo, Eugene
Senter, Marilyn P.
Skinner, Patricia M.
Sytek, Donna P.
Wells, Henry E.

Brown, Lewis W.
Cooke, Annette M.
Dube, LeRoy S.
Flanagan, Natalie S.
Ford, Bert H.
Greene, Elizabeth A.
Hynes, Carolyn E.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
McKinney, Betsy
Parr, Ednapearl F.
Rosencrantz, James R.
Sherburne, John L.
Sochalski, Matthew M.
Vartanian, Elsie
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Flynn, Edward J.
Kinney, Paula J.
Meserve, John H.
Stewart, Glenn W.
Torr, Ralph W.

Bernard, Mary E.
Dionne, Albert J.
Foss, Patricia H.
Marston, Robert E.
Parks, Joe B.
Swope, Warren L.
Tsiros, William

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Martling, W. Kent
Pelley, Janet R.
Torr, Ann M.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Schotanus, Merle W.

Domini, Irene C.
Peyron, Fredrik

Hinrichsen, Keith L.
Rodeschin, Beverly T.

NAYS 134

BELKNAP

Holbrook, Robert G.
Randall, Kenneth A.

Maviglio, Steven R.
Rice, Thomas E. P., Jr.

Pearson, Ralph W.
Richardson, Lawrence

CHESHIRE

Cole, Kenneth A.
Hill, Douglas E.
Pratt, Irene A.

Delano, Robert F.
Hunt, John B.
Spear, Susan S.

Foster, Katherine D.
Matson, William R.

COOS

Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Lemire, George
Oleson, Otto H.

Mayhew, Josephine
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Chambers, Mary P.
Nordgren, Sharon L.

Arnesen, Deborah L.
Copenhaver, Marion L.
Shackett, Ralph E.

Bennett, Shirley M.
Eno, Larry E.
Ward, Kathleen W.

HILLSBOROUGH

Baldizar, Barbara J.
Burkush, Peter A.
Donovan, Francis X.
Dykstra, Leona
Ford, Nancy M.
Genest, Fernand A.
Gureckis, Adam C., Sr.
Jean, Romeo W.
King, John A.
Lozeau, Donnalee M.
Nardi, Theodora P.
Riley, Frances L.
Turgeon, Roland M.
Wright, George W.

Barry, William M.
Desrochers, Gerard T.
Drabinowicz, A. Theresa
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Hall, Betty B.
Jenkins, Mary
Kress, Gloria W.
Messier, Irene M.
Pappas, Toni
Soucy, Lillian E.
Tyree, Paul M.
Young, Willard N.

Bourque, Ann J.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Guilbert, Lionel
Healy, Daniel J.
Johnson, Lionel W.
Long, Linda D.
Morrissette, Roland A.
Reidy, Frank J.
Toomey, Daniel
Upton, Barbara A.

MERRIMACK

Anderson, Eleanor M.
Beaton, Nancy C.
Dunn, Miriam D.
Johnson, C. William
Teague, Bert
Whittemore, James A.

Barberia, Richard A.
Braiterman, Thea G.
Hall, Douglas E.
Provencal, Leo A.
Trombly, Rick A.

Bardsley, Elizabeth S.
Daneault, Gabriel
Jacobson, Alf E.
Soldati, Jennifer
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Hoar, John, Jr.
Lovejoy, Virginia K.
McCarthy, John J., Jr.
Parsons, Robert F.
Sanderson, Patricia O.
Vaughn, Charles L.

Bell, Juanita L.
Campbell, Eunice M.
Gage, Beverly A.
Hollingworth, Beverly A.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Popov, Elizabeth M.
Seward, Russell G.
Weddle, Michael R.

Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Gourdeau, Raymond H.
Kane, Cecelia D.
McCain, William F.
Pantelakos, Laura C.
Remick, Barbara R.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Burton, Wayne M.
Keans, Sandra B.

Callaghan, Robert J.
Kincaid, William K.

Gilmore, Gary R.
Merrill, Amanda A.

O'Brien, John
Sullivan, Henry P.
Wheeler, Katherine Wells

Scharff, Thomas E.
Vincent, Francis C.

Spencer, Leo J.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J. Burling, Peter Hoe Flint, Gordon B.
Lucier, Edward A., Jr. MacAskill, Kenneth M. Middleton, John A.
Stamatakis, Carol M.

and the motion was adopted.

Rep. Gross abstained from voting under Rule 16.

Reps. Dow and Record wished to be recorded in favor of the motion.

Rep. Murphy wished to be recorded in opposition to the motion.

Question now being adoption of the Minority Amendment.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Joint and Several Liability. RSA 507:7-e, I(b) is repealed and reenacted to read as follows:

(b) Enter judgment against each party liable on the basis of the rules of joint and several liability, except that if any party shall be less than 50 percent at fault, then that party's liability shall be several and not joint and he shall be liable only for the damages attributable to him.

2 New Subparagraph; Basis for Judgment. Amend RSA 507:7-e, I by inserting after subparagraph (b) the following new subparagraph:

(c) RSA 507:7-e, I(b) notwithstanding, in all cases where parties are found to have knowingly pursued or taken active part in a common plan or design resulting in the harm, grant judgment against all such parties on the basis of the rules of joint and several liability.

3 New Paragraph; Pollution Liability. Amend RSA 507:7-e by inserting after paragraph III the following new paragraph:

IV. Nothing contained in this section shall be construed to modify or limit the duties, responsibilities, or liabilities of any party for personal injury or property damage arising from pollutant contamination, containment, cleanup, removal or restoration as established under state public health or environmental statutes including, but not limited to, RSA 146-A, RSA 147-A and RSA 147-B.

4 Applicability. This act shall apply to all causes of action arising on or after January 1, 1990.

5 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill states that the rules of joint and several liability shall be applied by a court in assessing damages, except that where any party is less than 50 percent at fault his liability shall be several and he shall be liable only for damages attributable to him. This bill retains joint and several liability where parties are found to have knowingly pursued or taken active part in a common plan or design resulting in the harm.

This bill also clarifies that the rules of joint and several liability shall not apply in cases involving pollution incidents where, by statute, a strict liability standard is to be applied.

Amendment adopted.

Ordered to third reading.

SB III, relative to the operation of ski craft. Ought to Pass with Amendment.

The bill expands restrictions on the operation of ski craft. The bill also provides a hearing procedure for residents and property owners of towns in which a lake, pond, or river is located to prohibit or restrict the use of ski craft in such areas.

The bill makes reckless operation of a ski craft a misdemeanor and makes certain muffler modifications a violation. Vote 17-0. Rep. Roger Stewart for Transportation.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Operation of Ski Craft. RSA 270:74 is repealed and reenacted to read as follows:
270:74 Operation of Ski Craft.

I. No person shall operate a ski craft on any lake, pond, or river unless the person is 16 years of age or older.

II. No person shall operate a ski craft on any lake, pond, or river between the hours of sunset and sunrise.

III. No person shall operate a ski craft unless he is wearing a personal floatation device which is Coast Guard approved type 1, 2, or 3.

IV. No person shall operate a ski craft on a lake, pond, or river, or area thereof, on which the operation of ski craft is prohibited by law.

V. No person shall operate a ski craft on a lake, pond, or river, or area thereof, on which the operation of ski craft is prohibited as a result of a hearing pursuant to RSA 270:75.

VI. No person shall operate a ski craft on a lake, pond, or river, or area thereof, in violation of a restriction imposed pursuant to RSA 270:75.

VII. No person shall operate a ski craft within 150 feet of another ski craft or of a boat, raft, float, or swimmer unless the speed of the ski craft is reduced to headway speed. No person shall operate a ski craft within 300 feet of shore except as provided in paragraph VIII or pursuant to RSA 270:75, V.

VIII. A person may operate a ski craft from the shore to any area where the operation of ski craft is allowed provided that the ski craft shall not be operated at a speed exceeding 12 miles per hour and provided that the ski craft shall be operated in a direct line between the shore and the area where operation is allowed.

IX. A person may operate a ski craft on the lakes, ponds, and rivers of the state except in areas which are prohibited by the department and those lakes, ponds, and rivers specifically prohibited by RSA 486 and other legislative acts.

X. A person who violates any of the provisions of this section shall be guilty of a violation.

2 New Sections; Hearings; Penalties. Amend RSA 270 by inserting after section 74 the following new sections:

270:75 Hearings.

I. The commissioner shall adopt rules pursuant to RSA 541-A establishing procedures for the public hearing process contained in this section. For the purposes of adopting the initial set of rules required by this section the commissioner shall be authorized to adopt emergency rules as provided in RSA 541-A:3-g.

II. Any group of 10 or more residents or property owners of a town in which a lake, pond, or river is located may petition the commissioner to prohibit or restrict the use of ski craft on the lake, pond, or river, or a portion thereof. Once ski craft have been prohibited or restricted on a lake, pond, or river, or portion thereof, pursuant to

this section for at least one year such a group of residents or property owners may not petition to allow the use of ski craft on the lake, pond, or river, or a portion thereof.

III. The commissioner shall hold a public hearing to determine whether to grant a petition submitted pursuant to paragraph II. In determining whether to grant the petition, the commissioner shall take into consideration the following factors:

- (a) The impact of ski craft on the environment, the shoreline and wildlife.
- (b) The surface area of the lake, pond, or river being considered.
- (c) The use or uses which have been established on the lake, pond, or river.
- (d) The depth of the water.
- (e) The amount of water-borne traffic.

(f) The necessity of ensuring access to and use of the lake, pond, or river for all individuals and the right of those individuals to appropriate use of the public waters.

(g) Whether a determination is necessary to ensure the safety of persons and property.

IV. The commissioner shall hear all petitions as soon as possible after they are submitted. For the purposes of implementing this section, however, the commissioner shall not be required to hear more than 15 petitions a month. The commissioner shall give priority to hearing first the petitions submitted on behalf of lakes, ponds, or rivers for which legislation was considered during the 1989 session of the general court and lakes, ponds, or rivers which are generally considered to have problems with the operation of ski craft as evidenced by the number of complaints submitted. A decision shall be rendered within 30 days after the hearing. An entire lake shall not be closed until, on or after, October 1 of the calendar year in which the hearing is held.

V. In response to a petition submitted concerning a lake, pond, or river, or portion thereof, the shoreline of which is uninhabited, the commissioner may allow the operation of ski craft as close as 150 feet from the shore.

VI. Any person aggrieved by a decision of the commissioner pursuant to this section may appeal to the commissioner for a review of the record and may appeal from such decision pursuant to RSA 541.

VII. Any prohibition or restriction on the use of ski craft on a lake, pond, or river, or portion thereof, imposed pursuant to this section shall have the full force and effect as if enacted as law.

VIII. The commissioner shall post any lake, pond, or river, or portion thereof, from which ski craft are prohibited or restricted pursuant to this section.

270:76 Reckless Operation of Ski Craft; Modification of Muffler on Engine Prohibited.

I. In addition to the provisions of RSA 270:29-a, no person shall operate a ski craft in a careless or negligent manner, or in a manner which unreasonably or unnecessarily endangers life, limb or property, including but not limited to, weaving through congested watercraft traffic and swerving at the last moment to avoid collision. Any person who violates this paragraph shall be guilty of a misdemeanor.

II. In addition to the provisions of RSA 270:40, no person shall modify or alter the muffler system or engine of ski craft so as to exceed the noise levels prescribed in RSA 270:37. Any person who violates the provisions of this section shall be guilty of a violation.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill expands restrictions on the operation of ski craft.

The bill also provides a hearing procedure for residents and property owners of towns in which a lake, pond, or river is located to prohibit or restrict the use of ski craft in such areas.

The bill makes reckless operation of a ski craft a misdemeanor and makes certain muffler modifications a violation.

Rep. Stewart spoke to the Committee Report.

Rep. Vogler spoke against the amendment and yielded to questions.

Reps. George Katsakiores, Spear and Gordon spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 3-FN, relative to child passenger restraints in motor vehicles. Inexpedient to Legislate.

This bill is basically a mirror of HB 45 which has been on the table for some time in the Senate. Since they have amended that bill to what they want, and the Committee is in agreement, SB 3 is not required. Vote 14-0. Rep. William F. McCain for Children, Youth and Juvenile Justice.

Resolution adopted.

SB 71, authorizing the removal of a boat and mooring under certain circumstances. Ought to Pass with Amendment.

This bill, as amended, authorizes the Director of Safety Services or his agents to remove any mooring and boat attached thereto, if the mooring creates a danger or is in violation of the law. The bill requires the Director or his agents to notify a boat or mooring owner within five days of removal. The person who owns or controls the mooring has the right to appeal within 30 days.

The bill also establishes a committee to study the fee structure, assessed valuation and fee distribution methods used in the valuation and registration of boats and other matters. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the removal of a boat and mooring under
certain circumstances and establishing a study
committee on the boat registration fee
structure and valuation of boats
for registration.

Amend the bill by replacing all after the enacting clause with the following:

I Removal of Boats and Moorings. RSA 270:66, II and III are repealed and reenacted to read as follows:

II. The director or his agents shall remove or cause the removal of a mooring and any boat attached to it when the removal of the mooring, mooring component, or boat is authorized under paragraph I. The person who owns or controls the mooring shall have the right to request a hearing before the appeals board as established in RSA 270:69.

III. The owner of record of the boat or mooring, if known, shall be notified, by the director or his agents, of the removal, by certified mail with return receipt requested, within 5 days of removal. The owner may file an application for appeal within 10 days after receipt of notification of removal of the boat or mooring. A hearing shall be held within 30 days of filing the application for appeal.

2 Study Committee Established.

I. There is established a committee to study the fee structure and assessed valuation for the registration of boats. The committee shall consist of the following 13 members:

- (a) Three senators, appointed by the senate president.
- (b) Six representatives, appointed by the speaker of the house, including:
 - (1) One member of the fish and game committee.
 - (2) One member of the transportation committee.
 - (3) At least 3 members of the resources, recreation, and development committee.
- (c) One individual, knowledgeable in the subject matter to be studied, appointed by the governor with the consent of council.
- (d) The commissioner of the department of safety, or his designee.
- (e) The director of the port authority.
- (f) One member from the Marine Dealers Association of New Hampshire.

II. The committee shall meet at the call of the chairman of the resources, recreation, and development committee within 30 days after the passage of this act and shall elect a chairman and a clerk from among the committee members. The committee's study shall include, but not be limited to:

- (a) Examination of the fee structure and assessed valuation for registration of boats in both fresh water and tidal waters.
- (b) Justification for fees charged and methods of determining assessed valuation for boats.
- (c) Distribution and uses of fees collected.
- (d) Examination of the feasibility of reciprocity with other states.
- (e) Development of registration procedures.
- (f) Development of administrative rules relative to subparagraphs (a)-(e).
- (g) Examination of the role of the Coast Guard.

III. The committee shall hold at least 2 public hearings, one of which shall be held on the seacoast and one of which shall be held in the lakes region.

IV. The committee shall report its findings and recommendations to the senate president, the speaker of the house, and the governor on or before October 1, 1989.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes the director of safety services or his agents to remove any mooring and boat attached to the mooring, if the mooring is a danger or in violation of law.

The person who owns or controls the mooring shall have the right to appeal to the appeals board and a hearing shall be held within 30 days of the application for appeal. The bill requires the director or his agents to notify a boat or mooring owner by certified mail, return receipt requested, of removal within 5 days of removal.

The bill establishes a committee to study the fee structure, assessed valuation, and fee distribution methods used in the valuation and registration of boats.

Amendment adopted.
Ordered to third reading.

SUSPENSION OF RULES

Rep. Bean moved that the rules be so far suspended as to permit the Committee on Children, Youth and Juvenile Justice to hold a public hearing on SB 45, relative to child support enforcement without the required notice.

Adopted by the necessary two-thirds.

Rep. Kidder moved that the rules be so far suspended as to permit the Committee on Appropriations to hold public hearings on the following bills without the required notice:

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 97-FN, relative to the distribution of drug forfeiture money.

Adopted by the necessary two-thirds.

Rep. Sytek gave a report from the Ways and Means Committee.

State of New Hampshire Ways and Means Committee Report To the House of Representatives
Estimates of Unrestricted Revenues by Fund Source

	FY 1988 Actual	FY 1989 Official Estimate	FY 1990 Ways and Means Estimate	FY 1991 Ways and Means Estimate
GENERAL FUND				
BEER	12,149,590	12,500,000	12,600,000	12,600,000
BOARD AND CARE	16,250,387	16,000,000	16,000,000	16,000,000
BUSINESS PROFITS TAX	136,773,108	140,300,000	149,000,000	152,000,000
ESTATE AND LEGACY TAXES	21,159,440	28,000,000	33,000,000	36,000,000
INSURANCE	41,657,892	42,000,000	45,000,000	48,000,000
INTEREST AND DIVIDENDS TAX	30,659,297	36,000,000	40,000,000	44,000,000
LIQUOR	50,099,820	52,000,000	53,000,000	54,800,000
MEALS AND ROOMS TAXES	76,513,554	81,000,000	87,000,000	95,000,000
PARKS INCOME	6,008,844	5,400,000	6,500,000	7,200,000
DOG RACING	8,824,497	9,000,000	9,000,000	9,000,000
HORSE RACING	1,482,779	1,500,000	2,625,000	2,625,000
REAL ESTATE TRANSFER TAX	34,567,831	30,000,000	32,000,000	34,000,000
TELEPHONE	9,466,856	9,800,000	10,500,000	11,000,000
CIGARETTE TAX	31,722,289	32,000,000	31,500,000	31,000,000
UTILITIES	7,074,358	8,000,000	8,500,000	9,000,000
OTHER	29,447,365	29,500,000	28,500,000	29,000,000
COURTS	20,210,307	23,000,000	25,000,000	27,000,000
SAVINGS BANK TAX	8,781,831	9,500,000	10,500,000	11,600,000
TOTAL	542,850,045	565,500,000	600,225,000	629,825,000
HIGHWAY FUND				
GASOLINE ROAD TOLL	85,501,551	89,000,000	91,600,000	95,200,000
MOTOR VEHICLE FEES	47,253,816	47,000,000	49,900,000	51,400,000
MISCELLANEOUS	7,360,319	9,000,000	9,700,000	10,100,000
TOTAL	140,115,686	145,000,000	151,200,000	156,700,000
FISH AND GAME FUND				
FISH AND GAME LICENSES	5,204,232	5,220,000	5,300,000	5,410,000
FINES AND PENALTIES	69,981	60,000	70,000	70,000
MISCELLANEOUS SALES	15,462	150,000	150,000	150,000
INDIRECT COSTS	195,424	170,000	150,000	125,000
TOTAL	5,624,099	5,600,000	5,670,000	5,755,000

Rep. Palumbo offers the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading, except SB 110, be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, May 9 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 205-FN-A, relative to establishing the New Hampshire energy authority and making an appropriation therefor.

SB 16, relative to post-termination commissions paid to sales representatives.

SB 30-FN, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry.

SB 65-FN, establishing a committee to study mental health insurance benefits.

SB 125, adopting the uniform trade secrets act.

SB 203-FN, relative to employing minors enrolled in school.

SB 32-FN, relative to drug offenses.

SB 44-FN, requiring the superior court to adjudicate paternity in certain contested cases.

SB 196-FN, relative to bail reform.

SB 9, to clarify how to designate highways to summer cottages.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

SB 24, relative to liquor store displays and promotions.

SB 94-FN, authorizing the sale of liquor and beverages in additional areas under a liquor license.

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark.

SB 39, establishing a speed limit for power boats on Spofford Lake.

SB 40, requiring the department of safety to post headway speed limits on the Connecticut River.

SB 50, relative to measuring liquid hazardous waste.

SB 84, to require drivers on motorcycles to wear eye and face protection.

SB 86, prohibiting power boats and ski craft on Wilson Lake.

SB 95-FN, establishing a minimum fine for violating the boat decibel limits.

SB 180, relative to abandoned vehicles.

SB 189, relative to the study of New Hampshire commuter rail service.

SB 171-FN, relative to revenue distribution.

SB 178, relative to campaign financing.

SB 66, relative to regulation of transporters of solid waste.

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate.

SB 87-FN, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease.

SB 27, relative to the liability of landowners for pollutant clean-up.

SB 52, relative to drug paraphernalia.

SB 76, establishing a committee to study durable powers of attorney for health care.

SB 111, relative to the operation of ski craft.

SB 71, authorizing the removal of a boat and mooring under certain circumstances.

Rep. Palumbo moved that SB 110 be read a third time and passed at the present time.

Rep. Jacobson spoke to the motion.

Motion adopted.

Third reading and final passage

SB 110, relative to joint and several liability and to pollution liability.

RECONSIDERATION

Having voted with the prevailing side, Rep. Lockwood moved that the House reconsider its action whereby it passed SB 110, relative to joint and several liability and to pollution liability.

Motion lost.

Rep. Matson moved that the House recess in honor of Vietnam Veterans' Memorial Day, May 6-7.

RECESS

Rep. Lawrence Chase moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 24

Tuesday, May 9, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by guest Chaplain, Rabbi Arthur Starr of the Temple Adath Yeshurun in Manchester.

Realizing that each day left is a gift, let us commit ourselves to consecrated living and worthwhile achievement. Let us replace callousness and indifference with understanding and cooperation.

Let our eyes and our minds be open, searching for truth and justice.

Let us join together to muster our collective strength against our enemies - disease, poverty, ignorance and prejudice.

May those entrusted with the responsibility of leading our cities, states and our national government be blessed with courage and wisdom, foresight and understanding, concern and compassion - leading them and us to labor for peace and a better life for all humanity. Amen.

Rep. Messier led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Manus, Janet Barry, Ann Derosier, Schneiderat, William McCann, Brady, Daniel Eaton, Simon, Emma Dodge, Whitcomb, White, MacKinnon, Nordgren, Willard Young, Provencal, Cote, Steiner, and Popov, the day, illness.

Reps. Lionel Boucher, Splaine, Ralph Rosen, Lowell Apple, James Appleby, Metzger, Golden, Lachance, Foss, Fair, Guest, Beaupre, Remick, Klemm and Soldati, the day, important business.

Rep. Malcolm, the day, illness in the family.

Reps. Joseph MacDonald, George Wright, Wells and Hynes, the day, illness in the family.

INTRODUCTION OF GUESTS

Christiane Berger of Regensburg, West Germany, guest of Rep. Katherine Wheeler on behalf of the New Hampshire Council of World Affairs; Elizabeth Marzloff and Liberty Patrick, of the Auburn 4H Club, and their advisor, Lynn Garland; Mr. and Mrs. David Hartnett, brother and sister-in-law of Rep. Riley; Miss Teen New Hampshire, Keri Sossi and her parents, John and Michelle Sossi, guests of Rep. Sochalski; Dr. Gilligan, husband of Rep. Hollingworth; Ella MacAskill, wife of Rep. MacAskill; Nancy Westphal Scharff, Music Events Coordinator, University of New Hampshire, wife of Rep. Scharff; John Soddard of the Eckerd Foundation, guest of Rep. Dow; and from Alvirne High School: William Kress, Jane Pfarner and Timothy McAndrew, guests of Rep. Searles.

The Assistant Clerk introduced the Alvirne High School Granite State Challenge Championship Team: Thomas Graham, Mark Masterson, Preston Pfarner, Max Tuefferd, Scotte Greenbaum, Marshall Murray and their coach Margaret Lavoie.

The Hudson delegation offered the following:

HOUSE RESOLUTION NO. 26

honoring the Alvirne High School
Granite State Challenge Championship Team

WHEREAS, on the thirtieth day of April, in the Year of Our Lord, Nineteen Hundred and Eighty-Nine, the six-member team of scholars from Alvirne High School in Hudson was crowned Granite State Challenge Champion during a live telecast on WENH, Channel 11, and

WHEREAS, in the one-hour championship round, Alvirne High School defeated a strong academic team from Pinkerton Academy by the score of 620 to 580, and

WHEREAS, Alvirne High School was one of thirty-two public and private New Hampshire secondary schools to compete in the annual series and prior to reaching the championship round had to win five rigorous preliminary matches, and

WHEREAS, twice during the preliminary rounds, Alvirne High School scored more than four hundred points, scores considered to be exceptional, and

WHEREAS, the Alvirne High School team was capably coached by Margaret La-voie and comprised of Captain Thomas Graham, Scott Greenbaum, Mark Masterson, Marshall Murray, Preston Pfarner, and Max Tuefferd, and

WHEREAS, team Captain, Thomas Graham, holds the distinction of being the overall high scorer in any single match during the season's competition, and

WHEREAS, team members, throughout the five rounds of arduous competition, displayed a unity of spirit that was marked by unselfishness, commitment and a strong desire to succeed, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the academic team of champions from Alvirne High School be applauded and recognized for its outstanding achievement, and be it further

RESOLVED, that the coach and students be lauded for the dedication, sacrifice and hard work that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Alvirne High School.

Unanimously adopted.

Carl Stenburg, of the Council of State Governments, addressed the House briefly.

(Rep. Palumbo in the Chair)

SENATE MESSAGES**CONCURRENCE**

HB 24-FN-A, relative to the bicentennial commission.

HB 57-FN-A, appropriating funds to the Department of Agriculture to continue work on the Eastern States building.

HB 113-FN, to define certain police trainers as permanent policemen for retirement system purposes.

HB 115-FN, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving.

HB 129-FN, establishing fees for reviewing plans to dredge and creating new classified positions and making an appropriation therefor.

HB 240-FN-A, establishing a shooting range study committee.

HB 279-FN-A, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor.

HB 330-FN-A, relative to exemption from the gasoline tax and state license plates.

HB 532-FN, establishing a committee to study the revenue structure in New Hampshire.

HB 590-FN, relative to submitting municipal financial reports to the Department of Revenue Administration.

HB 609-FN, relative to jury selection procedures.

HB 737-FN, amending the joint state-capitol city planning commission.

HB 752-FN, relative to domestic violence.

HB 755-FN, establishing a committee to study shoreline protection.

HB 763, authorizing the Salem and Derry School Districts to establish a debt retirement fund

CONCURRENCE WITH AMENDMENT

SB 163-FN, relative to power production capacity of certain small power production facilities.

(Deputy Speaker Burns in the Chair)

ENROLLED BILLS AMENDMENTS

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands.

Amendment

Amend section 7 of the bill by replacing line 5 with the following:
the director of the division of forests and lands. Any regularly paid

Amend section 7 of the bill by replacing lines 8-10 with the following:
division of forests and lands on any state or municipal forestry work or other public work, when in the judgment of the director of the division of forests and lands the safety of woodlands is not endangered thereby.

Amend section 8 of the bill by replacing line 8 with the following:
of the division of forests and lands, or the commissioner of resources

Amend section 9 of the bill by replacing line 4 with the following:
located or to the director of the division of forests and lands,

Amend section 10 of the bill by replacing lines 4 and 5 with the following:
violated, he shall so report to the director of the division of forests and lands, department of resources and economic development stating all

Amend section 12 of the bill by replacing lines 4 and 5 with the following:
or elsewhere when so directed by the director of the division of forests and lands or his authorized agent, and either of them may call such

Amend section 14 of the bill by replacing line 3 with the following:
director of the division of forests and lands may establish, at

This amendment corrects a technical error in the bill in the name of the division of forests and lands, formerly known as the division of resources development.

Adopted.

SB 174-FN, relative to regulation of estheticians.

Amendment

Amend RSA 313-A:10, II as inserted by section 14 of the bill by replacing line 1 with the following:

II. An applicant not meeting the conditions of RSA 313-A:10, 1(b)

This amendment corrects a citation error.

Adopted.

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 643-FN, relative to retention and destruction of district court records, responsibility for payment of costs of court-ordered services, and taxable court costs. (Amendment printed SJ 20, 5/2/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 509-FN, authorizing industrial development financing for the Manchester Airport. (Amendment printed SJ 20, 5/2/89)

Rep. Phelps moved that the House concur.

Adopted.

HB 80-FN, relative to land under the jurisdiction of the wetlands board. (Amendment printed SJ 20, 5/2/89)

Rep. Dickinson moved that the House concur.

Adopted.

COMMITTEE REPORTS

Special Order

SB 156-FN, relative to refuse disposal. Ought to Pass with Amendment.

This bill allows towns with unlined landfills to charge neighboring towns an extra tipping fee if they don't remove the recyclables. The fees collected shall be set aside for closure. Vote 14-3. Rep. Elizabeth S. Millard for Environment and Agriculture.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Section; Refuse Recycling or Reduction. Amend RSA 149-M by inserting after section 21 the following new section:

149-M:22 Refuse Recycling or Reduction.

I. Beginning January 1, 1991, no person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system, unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 15 percent. Beginning January 1, 1992, no person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system, unless all recyclable materials have been removed from such refuse or such refuse has been otherwise reduced in weight by at least 20 percent. Prior to October 1, 1992, the provisions of this paragraph shall not apply to continuing disposal of refuse in such a facility occurring as of the effective date of this section pursuant to a written agreement with such facility's permit holder, or any town disposing of refuse at such a facility within its own borders.

II. Persons who transport refuse to a public solid waste landfill facility, which is not lined and does not have a leachate collection system, may be required by the town in which such facility is located to pay an additional tipping fee per ton, provided that for refuse which is recycled or reduced pursuant to the schedule in paragraph I, the additional tipping fee shall be reduced by 50 percent per ton, and provided further that this paragraph shall not apply to any town disposing of refuse at a solid waste facility within its own borders. Additional tipping fees established and paid under this paragraph shall be retained in a closure fund and applied against the town's costs for a plan for closure or for closure of the facility when it occurs.

III. Weight reduction under this section may include removal of recyclable materials, composting, resource recovery, any other method approved by the division of waste management, or any combination of such methods. Refuse or any solid waste resulting from such reduction methods shall not be subject to further weight reduction pursuant to this section.

IV. If the division of waste management finds that an emergency exists requiring immediate action to protect the public health, it may issue an order suspending all or any part of this section during such emergency.

Amend RSA 149-M:1, XVII-b as inserted by section 2 of the bill by replacing it with the following:

XVII-b "Recyclable materials" shall include separated clear and colored glass, aluminum, ferrous and non-ferrous metals, plastics, corrugated cardboard, motor vehicle batteries, tires from motor vehicles, and all paper.

AMENDED ANALYSIS

This bill requires that after January 1, 1991, for refuse disposed of at a private landfill facility with a lining and leachate collection system, all recyclable materials must be removed from such waste or the waste must be reduced in weight by at least 15 percent.

On January 1, 1992, the percentage at private facilities is increased to 20 percent. These requirements will apply to towns disposing of refuse within their borders after October 1, 1992.

The town in which a public waste disposal facility is located may assess an additional tipping fee for waste disposed of at the public facility which is not lined and does not have a leachate collection system. The additional tipping fee does not apply to towns disposing of waste within their borders. These fees are to be deposited into a closure fund.

Amendment adopted.

Rep. Arnesen offered an amendment.

Amendment

Amend RSA 149-M:22, I, II, and III as inserted by section 1 of the bill by replacing them with the following:

I. Beginning June 1, 1991, no person shall dispose of refuse at any private solid waste landfill facility having a lining and a leachate collection system, unless such refuse has been reduced in weight by at least 15 percent. Beginning June 1, 1992, no person shall dispose of solid waste at any private solid waste landfill facility having a lining and a leachate collection system, unless such refuse has been reduced in weight by at least 20 percent. Prior to October 1, 1992, the provisions of this paragraph shall

not apply to the operations of persons engaged in continuing disposal of a town's refuse at a disposal facility located within the town's borders or pursuant to a town contract for disposal services in effect as of the effective date of this paragraph.

II. Persons who transport refuse to a public solid waste landfill facility, which is not lined and does not have a leachate collection system, may be required by the town in which such facility is located to pay an additional tipping fee per ton, provided that for refuse which is reduced pursuant to the schedule in paragraph I, the additional tipping fee shall be reduced by 50 percent per ton, and provided further that this paragraph shall not apply to any person or town disposing of town refuse at a solid waste facility within the town's own borders. Additional tipping fees established and paid under this paragraph shall be retained in a closure fund and applied against the town's costs for a plan for closure or for closure of the facility when it occurs.

III. Weight reduction under this section may include removal of recyclable materials or composting, or any combination of such methods. Refuse or any solid waste resulting from reduction methods shall not be subject to further weight reduction pursuant to this section.

Amend the bill by inserting after section 2 the following new section and renumbering section 3 to read as 4:

3 Standards for Removal of Recyclable Material. Amend RSA 149-M:8 by inserting after paragraph VIII the following new paragraph:

IX. Establish acceptable standards for reduction and methods of measuring and verifying compliance with the mandatory reductions of solid waste material in landfills, as provided in RSA 149-M:22.

Reps. Amanda Merrill and Arnesen spoke in favor of the amendment and yielded to questions.

Reps. Millard and Palumbo spoke against the amendment and yielded to questions.

Rep. Phelps moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

YEAS 103

NAYS 224

YEAS 103

BELKNAP

Hawkins, Robert S.

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

CHESHIRE

Barber, Robert E., Jr.

Cole, Kenneth A.

Foster, Katherine D.

Hunt, John B.

LaMar, David M.

Matson, William R.

Pratt, Irene A.

Spear, Susan S.

COOS

Buckley, C. Fitzgerald, III

Kilbride, Dennis J.

Mayhew, Josephine

Oleson, Otto H.

Theriault, Romeo J.

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.

Chambers, Mary P.

Copenhaver, Marion L.

Densmore, Edward D.

Rose, William B.

Shackett, Ralph E.

HILLSBOROUGH

Baldizar, Barbara J.

Barry, Vivian

Bourque, Ann J.

Burkush, Peter A.

Cox, Gladys M.

Domaingue, Jacquelyn M.

Donovan, Francis X.

Dube, Ellen C.

Dyer, Merton S.

Dykstra, Leona

Flood, Jacqueline J.

Frank, Nancy G.

Goulet, Maurice E.
 Harlan, Susan N.
 Johnson, Lionel W.
 Lachut, Ervin R.
 Lozeau, Donnalee M.
 McRae, Karen
 O'Rourke, JoAnne A.
 Reidy, Frank J.
 Toomey, Daniel
 Vanderlosk, Stanley R.

Beaton, Nancy C.
 Dunn, Miriam D.
 Wallner, Mary Jane

Bell, Juanita L.
 Drake, Herbert R.
 Hoelzel, Kathleen M.
 McCarthy, John J., Jr.
 Rosencrantz, James R.
 Weddle, Michael R.

Burton, Wayne M.
 Marston, Robert E.
 Pelley, Janet R.
 Stewart, Glenn W.
 Wheeler, Katherine Wells

Brodeur, Robert J.

Ballou, Richard A.
 Hardy, Earle D.
 Pearson, Ralph W.
 Vogler, Charles C.

Allard, Nanci A.
 Daly, Robert J., Jr.
 MacDonald, Kenneth J.
 Saunders, Howard N.

Avery, Stephen G.
 Crutchley, Donald O.
 Gordon, Irvin H.
 Laurent, John J.
 Pearson, Gertrude B.
 Young, David A.

Green, Scott E.
 Jean, Romeo W.
 King, John A.
 Long, Linda D.
 McDowell, James E.
 Messier, Irene M.
 Perham, Lester R.
 Soucy, Lillian E.
 Turgeon, Roland M.

MERRIMACK

Braiterman, Thea G.
 Gilbreth, Robert M.

ROCKINGHAM

Blanchard, MaryAnn N.
 Dube, LeRoy S.
 Hollingworth, Beverly A.
 McGovern, Cynthia A.
 Sanderson, Patricia O.

STRAFFORD

Callaghan, Robert J.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Sullivan, Henry P.
 Young, John B.

SULLIVAN

Burling, Peter Hoe

NAYS 224

BELKNAP

Bolduc, Dennis R.
 Holbrook, Robert G.
 Randall, Kenneth A.
 Ziegler, Alice S.

CARROLL

Chandler, Gene G.
 Dickinson, Howard C., Jr.
 Olimpio, J. Lisbeth
 Wiggin, Allen R.

CHESHIRE

Blacketor, Paul G.
 Delano, Robert F.
 Grodin, Richard A.
 Miller, Jeffrey C.
 Perry, David M.

Hall, Betty B.
 Jenkins, Mary
 Knight, Alice Tirrell
 Lown, Elizabeth D.
 McNerney, Daniel P.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Stiles, Walter A.
 Upton, Barbara A.

Carter, Susan D.
 Johnson, C. William

Caswell, Albert, Jr.
 Hoar, John, Jr.
 Kane, Cecelia D.
 Pantelakos, Laura C.
 Vaughn, Charles L.

Gilmore, Gary R.
 O'Brien, John
 Spencer, Leo J.
 Wall, Janet G.

Stamatakis, Carol M.

Campbell, Richard H., Jr.
 Locke, Matthew J.
 Turner, Robert H.

Chase, Russell C.
 Foster, Robert W.
 Powers, Gerard E., Jr.

Cole, Stacey W.
 Doucette, Richard F.
 Hill, Douglas E.
 Morse, JoAnn T.
 Sawyer, Alfred P.

COOS

Brungot, Catherine V.
Lemire, George

Dumont, Robert E.
Marsh, Beaton

Guay, Lawrence J.
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Markley, J. Keith
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Stewart, Roger
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bowers, Dorothy C.
Desrochers, Gerard T.
Drolet, Paul L., Jr.
Ford, Nancy M.
Grip, Robert H.
Hatch, William H.
Hultgren, David D.
Keefe, Edmund M.
Kurk, Neal M.
Mason, Howard F.
Morrissette, Roland A.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Rodgers, G. Philip
Smith, Leonard A.
Wheeler, David K.

Alukonis, David J.
Bicknell, Robert C.
Cowenhoven, Garret P.
Desrosiers, William J.
Fields, Dennis H.
Gagnon, Gabrielle V.
Guilbert, Lionel
Healy, Daniel J.
Hunter, Bruce F.
Kelley, Robert N.
Lawrence, Norman B.
McCann, Bonnie Lou
Murphy, Robert E.
Pappas, Toni
Provost, Gilles R.
Riley, Frances L.
Sallada, Roland A.
Tarpley, Nancy L.
Wihby, Linda S.

Amidon, Eleanor H.
Biondi, Christine A.
Daigle, Robert A.
Drabinowicz, A. Theresa
Foote, Herbert N., Sr.
Genest, Fernand A.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jasper, Shawn N.
Kress, Gloria W.
Lefebvre, Roland J.
Moore, Elizabeth A.
Ouellette, Robert O.
Pepino, Leo P.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Fraser, Leo W., Jr.
Hall, Douglas E.
Holmes, Mary C.
Lockwood, Robert A.
Pantzer, Eugene E.
Shaw, Randall F.
Teague, Bert
West, George M.

Barberia, Richard A.
Daneault, Gabriel
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Smith, Gerald R.
Tolpin, Richard W.
Whittemore, James A.

Bardsley, Elizabeth S.
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.
Trombly, Rick A.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Eunice M.
Conroy, Janet M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.

Benton, Richardson D.
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.

Boucher, William P.
Buco, Stephen W.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.

Haynes, Richard L.
Katsakiores, Phyllis M.
Lovejoy, Virginia K.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Parsons, Robert F.
Roulston, Donald L.
Senter, Merilyn P.
Skinner, Patricia M.
Sytek, Donna P.
Welch, David A.

Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
McCain, William F.
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Scamman, W. Douglas, Jr.
Seward, Russell G.
Sochalski, Matthew M.
Tufts, J. Arthur

Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McKinney, Betsy
Parr, Ednapearl F.
Ritzo, Eugene
Schmidtchen, Rowland
Sherburne, John L.
Stachowske, Vicki
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Dionne, Albert J.
Frechette, Roland A.
Meserve, John H.
Swope, Warren L.
Vincent, Francis C.

Bickford, Drucilla
Flynn, Anita A.
Kincaid, William K.
Musler, George T.
Torr, Ann M.

Brown, Julie M.
Flynn, Edward J.
Kinney, Paula J.
Parks, Joe B.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Krueger, Richard H.
Peyron, Fredrik

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

and the amendment lost.

Ordered to third reading.

(Speaker in the Chair)

COMMITTEE REPORTS

(Consent Calendar)

Rep. Palumbo moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements, was removed at the request of Rep. LaMott.

SB 23, relative to the executive director of the liquor commission, was removed at the request of Rep. Gross.

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation, was removed at the request of Rep. Pepino.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence, was removed at the request of Rep. Kenneth Cole.

SB 146-FN, relative to judicial salaries, was removed at the request of Rep. Lawrence Chase.

Adopted.

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning. (A) Ought to Pass.

This bill establishes a revolving fund to be used to provide training to local and regional offices, geographically dispersed and scheduled so part-time officers can attend. The money will enable the publication of training materials and the charge

will cover costs so the fund and program can continue. Vote 15-0. Rep. Rep. Lee Anne Steiner for Appropriations.

SB 31, relative to renovation of the Rochester post office as a district court facility. Ought to Pass.

This bill authorizes transfer of remaining funds (\$850,000) appropriated in 1988 for Littleton Federal District Courthouse improvements to renovate the Rochester Post Office as a district court facility. Vote 16-0. Rep. Merle W. Schotanus for Appropriations.

SB 51-FN, relative to the Christa McAuliffe planetarium. Ought to Pass with Amendment.

This bill establishes an unclassified position for a director of the Christa McAuliffe Planetarium and provides for the planetarium fund to qualify as a charitable institution under the Internal Revenue Code. The House amendment provides for the director established in this bill be in group L of the unclassified pay schedule and in the event HB 350, the new unclassified pay matrix, passes, the salary will be from the comparable salary range in the new matrix. The effective date for section 6 of the bill is July 1, 1989 at 12:01 a.m. to coincide with the effective date of HB 350, if passed. The effective date for the balance of the bill is upon passage. Vote 17-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the bill by replacing section 2 with the following:

2 Position Added. Amend RSA 94:1-a, I by inserting in group L, Director, Christa McAuliffe planetarium.

Amend the bill by replacing section 6 with the following:

6 Contingency. In the event that HB 350-FN, relative to the unclassified personnel system and making an appropriation for a consultant fee, becomes law, the position created by section 2 of this act shall be placed in the appropriate group with the salary range of \$30,922 - \$41,222.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1989, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations. (A) Ought to Pass with Amendment.

This bill provides that fines collected for violations of most municipal ordinances, codes or regulations shall be paid to the municipality where such violations took place. The amendment increases the fees charged for driver's license restoration, driver's license reinstatement and reckless driving penalties. The revenue generated by these increases will help cover the cost of the reimbursements to municipalities. Vote 17-0. Rep. Howard C. Townsend for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations; increasing the penalty for reckless driving; and relative to driver's license fees.

Amend the bill by replacing all after section 2 with the following:

3 Driver's License Restoration Fee Increased. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked for a period of greater than 15 days, a fee of [\$25] **\$40** shall be paid by the licensee to the restoration of such license.

4 Driver's License Reinstatement Fee Increased. Amend RSA 263:56-a, III(a) to read as follows:

(a) Payment to the director of a fee of [\$25] **\$40**, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(f), and

5 Reckless Driving; Minimum Penalty Increased. Amend RSA 265:79 to read as follows:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than [\$100] **\$250** nor more than \$500 and his license shall be revoked for a period of 60 days for the first offense and from 60 days to one year for the second offense.

6 Effective Date. This act shall take effect January 2, 1990.

AMENDED ANALYSIS

This bill provides that the district and municipal courts shall, after deducting court expenses, pay fines collected for violations of most municipal ordinances, codes, or regulations over to the municipality whose ordinance, code, or regulation was violated.

This bill increases certain driver's license fees charged by the division of motor vehicles, and the minimum fine for reckless driving.

SB 58-A, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge. Ought to Pass with Amendment.

The bill, as amended, directs the Commissioner, Department of Transportation, to act in the public interest to facilitate pedestrian and/or vehicular traffic crossing the Cornish-Windsor covered bridge during its rehabilitation; and authorizes a charge up to \$50,000 against the highway surplus fund for liability insurance to cover risks relative to this action. Vote 22-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing all after the enacting clause with the following:

AN ACT

relative to the Cornish-Windsor bridge and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Public Accommodation. The commissioner of the department of transportation, acting in the public interest, shall take immediate and appropriate action to facilitate pedestrian or vehicular traffic, or both, crossing the Cornish-Windsor covered bridge

during its rehabilitation. The bridge shall be opened to pedestrian or vehicular traffic, or both, as soon as practicable, but not later than September 1, 1989.

2 Appropriation. A sum not to exceed \$50,000 is hereby appropriated to the department of transportation for the fiscal year ending June 30, 1989, for the purpose of obtaining liability insurance necessary to cover risks relative to the action required by section 1 of this act. This appropriation shall be a charge against the highway surplus account and shall not lapse until June 30, 1991.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires the commissioner of transportation to take immediate action to facilitate either pedestrian or vehicular traffic on the Cornish-Windsor bridge by September 1, 1989.

The bill makes an appropriation from the highway surplus account to the department for the purpose of purchasing liability insurance for any risks involved with the facilitation of such traffic.

SB 61-FN-A, relative to preserving the old state house and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, appropriates \$50,000 to the Division of Historical Resources for the purpose of preserving the old state house in Portsmouth. Vote 15-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing section 3 with the following:

3 Appropriation. A sum not to exceed \$50,000 for the biennium ending June 30, 1991, is hereby appropriated to the division of historical resources, department of libraries, arts and historical resources, for the purpose of this act. This appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

SB 77-FN, relative to holiday pay for certain part-time employees. Ought to Pass with Amendment.

As amended, the bill provides holiday pay for part-time employees who work in state institutions and appropriates \$74,180 per year which is the anticipated cost of the change. Vote 18-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Holiday Pay for State Employees. Amend RSA 98-A by inserting after section 6-a the following new section:

98-A:6-b Holiday Pay. Notwithstanding any agreement, law, or rule to the contrary, state employees involved in the care of persons in the state mental health system, the division for children and youth services, the state prison, the secure psychiatric unit or the veterans' home on a part-time basis who work on New Year's Day, Memorial Day, July 4, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, or Christmas Day, shall be entitled to holiday pay for the hours worked; provided, that such employees shall be required to work the scheduled day before and the scheduled day after such holidays.

2 Appropriations.

I. The following amounts are hereby appropriated to the entities specified for each of the fiscal years ending June 30, 1990, and June 30, 1991, for the purposes of section 1 of this act:

(a) New Hampshire hospital	\$ 13,480
(b) Laconia developmental services	1,350
(c) Glenclyff home for the elderly	2,415
(d) Veterans' home	1,350
(e) Anna Philbrook center	11,330
(f) Youth development center	7,165

II. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires certain part-time state employees who care for persons in certain institutions on 9 New Hampshire holidays to be paid holiday pay for the actual hours worked; provided that such employees work the scheduled day before and the scheduled day after such holidays.

The bill makes appropriations to the appropriate state institutions for the purposes of this act.

SB 78-FN-A, making appropriations to the WIC program. Inexpedient to Legislate.

The money in this bill is already in the budget. The Senate has assured us that it will remain there. Vote 13-0. Rep. Debora B. Pignatelli for Appropriations.

SB 88-FN, providing a cost of living adjustment for certain group I members. (A) Ought to Pass.

This bill makes permanent the temporary 5% cost of living increase granted in the 1988 session, and provides supplemental allowances for beneficiaries. Vote 17-0. Rep. Janet R. Pelley for Appropriations.

SB 90-FN, providing a 4 percent cost of living adjustment for group II members. (A) Ought to Pass with Amendment.

This bill, as amended, provides a 2% COLA for Group II. The appropriation to fund this additional benefit for the policemen comes from the "Special Account." There were insufficient funds in this account for the firemen, therefore another "write-up" of the assets was done to obtain the \$800,000 shortfall and approved by the actuary. This alerts the legislature that the "Special Account" is exhausted for firemen and nearly exhausted for the policemen. Vote 18-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the bill by replacing sections 1 and 2 with the following:

1 Additional Allowance; Group II. As of July 1, 1989, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before July 1, 1988, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of 2 percent. The additional allowance shall become a permanent part of each beneficiary's base retirement allowance, as provided in RSA 100-A:42-a.

2 Funding of Additional Allowance.

I. For permanent policemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the special account created by RSA 100-A:16, II(h) on a terminal basis as of June 30, 1989.

II. For permanent firemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded on a terminal basis as of June 30, 1989, as follows:

(a) Up to \$800,000 of the cost shall be obtained by the one-time write-up of the assets used to fund the firemens' classification.

(b) The remainder shall be funded from the special account created by RSA 100-A:16, II(h).

AMENDED ANALYSIS

This bill provides a 2 percent cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before July 1, 1988, effective July 1, 1989. The additional allowance becomes a permanent part of the beneficiary's base retirement allowance.

Funding for the additional allowance for policemen members comes from the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Funding for the additional allowance for firemen members is on a terminal basis as follows:

(a) Up to \$800,000 of the cost is obtained by the one-time write-up of the assets used to fund the firemens' classification.

(b) The remainder is funded from the special account created by RSA 100-A:16, II(h).

SB 91-FN, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957. Ought to Pass.

This bill will entitle nine retired teachers who are in their 80s and 90s, and are not covered under Social Security, to receive a cost-of-living adjustment. It also includes the definition to address employees who have worked both in the University System and the New Hampshire Retirement System and elect to stay in the New Hampshire Retirement System. The fiscal note calls for expenditures of \$38,000 from Special Account. Vote 20-0. Rep. Janet R. Pelley for Appropriations.

SB 96-A, relative to the Portsmouth district court and making an appropriation therefor. Ought to Pass.

This bill appropriates \$1,750,000 for the purchase of the Portsmouth District Court and authorizes the State Treasurer to bond the appropriation. Vote 16-0. Rep. Merle W. Schotanus for Appropriations.

SB 97-FN, relative to the distribution of drug forfeiture money. (A) Ought to Pass.

This bill increases the revolving drug forfeiture fund from the limit of \$300,000 to \$1,000,000 and the cap on the Special Account for the Office of Alcohol and Drug Abuse Prevention from \$200,000 to \$400,000. Vote 21-0. Rep. Robert G. Holbrook for Appropriations.

SB 100-FN, relative to pari-mutuel racing. Ought to Pass.

This bill gives Yankee Greyhound Park a five year capital improvement program which will help Seabrook remain competitive and protect the \$6,000,000 per year it produces in state revenues. The Committee is willing to "bet" that the bill will be revenue neutral. The track is committed to increase the number of performances

which will increase business profits as well as racing revenues. Because the track has volunteered to report its increased BPT payments, it will be possible to check how the program is working. Vote 19-0. Rep. Caroline L. Gross for Appropriations.

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster. Ought to Pass with Amendment.

This bill, as amended appropriates \$80,000 in general fund monies for toilet facilities and improving electrical service at Weeks State Park in Lancaster. Vote 15-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

making an appropriation for improving toilet facilities and
electrical service at Weeks state park in Lancaster.

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$80,000 is hereby appropriated to the department of resources and economic development, division of parks and recreation, for the biennium ending June 30, 1991. This appropriation is for the improvement of toilet facilities and electrical services at Weeks state park in the town of Lancaster. The appropriation is in addition to any other appropriation for the department for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation for the improvement of toilet facilities and electrical services at the Weeks state park in the town of Lancaster.

SB 122-FN, relative to member retirement deductions for certain group II members. Ought to Pass.

This bill eliminates member contribution to the New Hampshire Retirement System after 40 or more years of creditable service. The fiscal note calls for state expenditures of \$21,000 in FY90. Vote 22-0. Rep. Janet R. Pelley for Appropriations.

SB 147-FN-A, relative to waiting lists for developmentally disabled persons. Ought to Pass with Amendment.

This bill establishes an advisory committee to advise the director of mental health. The amendment corrects a minor mistake in appointments. The bill contains no appropriation. Vote 16-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend subparagraph I(e) of section 2 of the bill by replacing it with the following:

(e) One representative from a state designated protection and advocacy program appointed by the director of the division of mental health and developmental services.

Amend paragraph III of section 2 of the bill by replacing it with the following:

III. The director of the division of mental health and developmental services shall, within 30 days of the effective date of this act, call the first meeting of the advisory committee. The members of the committee shall elect a chairperson from its membership.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor. Ought to Pass with Amendment.

The bill lapses previously appropriated but unused non-lapsing state funds matching federal funds and related issues. The bill also adjusts state and federal highway appropriation accounts to provide matching funds necessary to fund federal apportionment through June 30, 1989. Fiscal note calls for state expenditures of \$150,000. Vote 15-0. Rep. Ralph W. Pearson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor; appropriating funds for a study of Route 101; and making an addition to the 10-year highway plan.

Amend the bill by replacing section 1 with the following:

1 Purpose. The intent of sections 2-7 of this act is to lapse previously appropriated but unused nonlapsing state funds, matching federal funds and related bond authorization. This act also adjusts state and federal aid highway appropriation accounts and provides the additional state matching funds necessary to fund the federal apportionment through June 30, 1989.

Amend the bill by replacing all after section 7 with the following:

8 Study Appropriation. The sum of \$150,000 is appropriated to the department of transportation for the biennium ending June 30, 1991. This appropriation is in addition to any other appropriation for the department of transportation. This appropriation is for the purpose of funding a study of the future needs of Route 101 from Route 51 in Stratham to I-95 in Portsmouth. This appropriation shall be a charge against the highway fund.

9 Addition to 10-year Highway Plan. Amend 1986, 203:4-a, I as inserted by 1988, 247:1 by inserting after subparagraph (e) the following new subparagraph:

(f) U.S. Route 3 Corridor from Manchester I-93 to Concord I-93. The department of transportation shall conduct a study and provide recommendations relative to a coordinated approach to the construction and reconstruction of the highways and bridges on the United States Route 3 corridor from the city of Manchester I-93 to the city of Concord I-93, considering both through and local traffic.

10 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 1989.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill lapses previously appropriated but unused nonlapsing state funds matching federal funds and related bond authorizations.

The bill also adjusts state and federal aid highway appropriation accounts to provide the additional state matching funds necessary to fund federal apportionment through June 30, 1989.

The bill provides an appropriation for a study of Route 101.

This bill amends the 10-year highway plan by including a study and recommendations relative to construction and reconstruction program of the United States Route 3

corridor from Manchester I-93 to Concord I-93, relating it to both through and local traffic.

SB 152-FN-A, relative to a study of a portion of the Spaulding Turnpike and making appropriation therefor. (A) Ought to Pass.

This bill funds an environmental study and preliminary design plans for a section of Spaulding Turnpike including exit 6 and problem areas extending to Newington. It also establishes a committee to review traffic problems on Route 16 and Route 302 in the Mt. Washington Valley. The fiscal note calls for state expenditures of \$550,000 in FY 91. Vote 14-0. Rep. Ralph W. Pearson for Appropriations.

SB 153-FN-A, establishing a committee to study the AFDC program. Ought to Pass with Amendment.

The only amendment made by the Committee is to change the date to give the study committee time to do its work. This study will cost the general fund \$15,000. Vote 16-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a committee to study the AFDC program
and making an appropriation therefor.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. Three members from the house of representatives, one each from the health and human services committee, the children, youth and juvenile justice committee, and the appropriations committee, appointed by the speaker of the house.

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall make a report of its findings and recommendations, including any proposed legislation for the 1991 legislative session, to the speaker of the house, the president of the senate, and the governor, no later than September 1, 1990.

Amend the bill by replacing section 7 with the following:

7 Appropriation. The sum of \$15,000 from federal funds and the sum of \$15,000 from state funds are hereby appropriated for the biennium ending June 30, 1991, to the department of health and human services for the purpose of commissioning the independent study as provided in section 2, paragraph III of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

SB 164-FN, relative to licensing ophthalmic dispensers. (A) Ought to Pass.

This bill creates a system for licensing ophthalmic dispensers. The costs incurred by the Division of Public Health will be paid by registration fees. The fiscal note calls for state expenditures of \$9,172 in FY90 and \$12,938 in FY91. Vote 13-0. Rep. Ellen-Ann Robinson for Appropriations.

SB 168-FN, establishing a division of fire service. Ought to Pass with Amendment.

This bill transfers the Fire Standards and Training Commission to the Department of Safety. The amendment deals only with the financial aspects of the bill and provides (1) that the new division of fire services can expend monies received from donations, grants and tuition services, and (2) that firefighters who become training

personnel will be eligible for Group II membership on terms similar to those the House established in HB 113 for police standards and training personnel. There is no appropriation in the bill. Vote 20-0. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend RSA 21-P:28, II as inserted by section 3 of the bill by replacing all after subparagraph (b) with the following:

(c) Undertake any project and engage in any activity which will serve to improve public fire safety or public safety; and

(d) Accept in the name of the state any and all donations, fees for tuition, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of the same subject to budgetary provisions and consistent with the rules of the commission and the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the commission, which shall also identify the nature of the donation or grant, and the conditions of the donation or grant, if any. Any moneys received by the commission pursuant to this paragraph shall be deposited in the state treasury to the account of the commission and shall not lapse. In addition, the commission may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Group II Membership; Firefighters. Amend RSA 100-A:3 by inserting after paragraph III-a the following new subparagraph:

III-b. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 154-C:1, II(b) who has 10 years' fire service experience, who is or becomes the director of fire service, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, fire fighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of his service in that capacity with the fire standards and training commission.

9 Existing Employees. Any fire service personnel certified according to RSA 154-C who as a job requirement has satisfied the minimum standards as determined by the fire standards and training commission for physical condition, education, and training, who is employed in group I as the chief of fire service training, position #13760, or fire instructor supervisors, positions #18213 and #18478, with the fire standards and training commission on the effective date of this act shall be transferred to group II and his benefits upon retirement shall be determined as the sum of the retirement allowances with the period of creditable service in each classification, as provided in RSA 100-A:19-a through 100-A:19-h.

10 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill establishes a division of fire service within the department of safety, under the authority of a director of fire service. The division shall consist of 2 bureaus. The

bureau of fire safety shall be supervised by the state fire marshal. The bureau of fire standards and training shall be supervised by the chief of fire standards and training.

The fire standards and training commission is transferred to the department of safety under this bill.

The bill includes transition provisions for officials affected by the transfer, and establishes group II retirement eligibility for certain officials. Transfers from the bureau of fire standards and training must be approved by the fire standards and training commission.

This bill also provides that certain persons employed by the division of fire service and the fire standards and training commission shall become group II retirement members.

SB 170-FN-A, establishing an emergency shelter telephone service and a pilot housing voucher program, and making appropriations therefor. (A) Inexpedient to Legislate.

The intent of the amended bill to prevent homelessness through a housing voucher program is laudable. However, the proposed \$30,000 appropriation, after being divided among municipalities, will not meaningfully address the problem. Funds for an appropriation to establish a reasonable program are not available. In addition, no municipality expressed an interest to the Committee in participating in the program at the proposed funding level. Vote 13-0. Rep. Douglas E. Hall for Appropriations.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers. (A) Ought to Pass.

This bill establishes an interest-free revolving loan fund to encourage non-profit agencies to expand ongoing licensed child care centers administrated by the Director of Human Services. The \$300,000 appropriation needed for the biennium is already in the budget. The bill also establishes a state guaranteed loan program for both private nonprofit agencies and for profit businesses to establish or expand child care centers administered by New Hampshire Housing Finance Authority. Vote 13-0. Rep. Patricia O. Sanderson for Appropriations.

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state. Ought to Pass.

This is a housekeeping bill to give flexibility to the Secretary of State particularly during an election cycle by combining two statutes having to do with Assistant Secretaries of State. Vote 22-0. Rep. Lee Anne S. Steiner for Appropriations.

(Regular Calendar)

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor. Ought to Pass with Amendment.

This bill recommends the study of certain new construction on the Spaulding Turnpike between exits 9 and 11. The amendment more clearly defines the important factors and alternatives which are an integral part of this study and resultant construction. The fiscal note calls for state expenditures of \$1,000,000. Vote 14-0. Rep. Ralph W. Pearson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a study for siting an interchange
on the Spaulding turnpike and making an
appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Authority Granted. Amend RSA 237:2 by inserting after paragraph II the following new paragraph:

II-a. Include, as part of the study for a 4-lane east-west highway from I-393 in Concord to the Spaulding turnpike as defined in 1986, 203:8 as amended by 1988, 266:2, as one alternative, a corridor that would intercept the Spaulding turnpike between existing exit 9 and exit 11. This interchange would be known as exit 10. Such study shall include an evaluation of the potential social, economic and environmental impacts, and preliminary design for the siting of an interchange and exit 10.

2 New Subparagraph; Funds Provided. Amend RSA 237:7, I by inserting after subparagraph (i) the following new subparagraph:

(j) Study of exit 10 on Spaulding turnpike, 1,000,000
RSA 237:2, II-a.

3 Conditions of Funding. The funds provided in section 2 of this act for the purpose of the study shall only be authorized under the following conditions:

I. Should the siting of an easterly interchange on the Spaulding turnpike between exit 9 and 11 not occur as a result of the east-west study, provided in RSA 237:7, II-a and authorized in 1986, 203:8 as amended by 1988, 266:2, the funds specified in RSA 237:7, I(j) shall be used to complete the evaluation of the potential social, economic and environmental impacts, to prepare the environmental documents, to complete the preliminary design and to begin the final design, and for right-of-way acquisition as funding permits, for the construction of exit 10.

II. Should a recommendation for siting an interchange on the Spaulding turnpike between exits 9 and 11 occur as the result of the east-west study, provided in RSA 237:7, II-a and authorized in 1986, 203:8 as amended by 1988, 266:2, the funds specified in RSA 237:7, I(j) shall be used to complete the necessary environmental studies and to design and to purchase the necessary right-of-way, as funding permits, for exit 10 on the Spaulding turnpike.

4 Proposed Turnpike Expansion; Project Priority. Once the studies and design provided in RSA 237:7, II-a are complete, and the necessary right-of-way acquired, the construction of exit 10 may become a project in the turnpike expansion program, and its construction shall receive top priority under that program or receive top priority under a segmented construction program utilizing other funds for an east-west highway.

5 Borrowing Power. Amend RSA 237:8 to read as follows:

237:8 Borrowing Power. For the purpose of providing funds necessary for the appropriations made by RSA 237:7 the state treasurer is authorized to borrow upon the credit of the state a sum not exceeding [\$159,600,000] **\$160,600,000** and for the purpose may issue bonds and notes in the name and on behalf of the state in accordance with the provisions of RSA 6-A; provided that the bonds may mature up to 30 years from their dates of issue and may be made redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issue of the bonds. The interest on bond anticipation notes may be funded by the issue of bonds to the

extent of the applicable bond authorization and, to the extent not so funded, may be paid from any source from which interest on the anticipated bonds could be paid, including any of the turnpike reserve accounts identified in RSA 237:15.

6 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill provides an appropriation for a study of an exit 10 which would intercept the Spaulding turnpike between existing exits 9 and 11. The bill also establishes conditions and alternatives based on the outcome of the study.

Amendment adopted.

Ordered to third reading.

SB 36-FN, relative to catastrophic costs and school building aid. (A) Ought to Pass with Amendment.

This bill, as amended, corrects the Education Committee amendment, a technical correction suggested by that Committee. Vote 22-0. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to the pro rata appropriation of catastrophic special
education aid, school building aid, and submitting
municipal financial reports to the
commissioner of education.

Amend the bill by replacing section 1 with the following:

1 Aid for Catastrophic Special Education Costs Distributed on Pro Rata Basis.
Amend RSA 186-C:18, III to read as follows:

III. The state shall appropriate not less than \$1,000,000 for each fiscal year to assist school districts in meeting catastrophic cost increases in their special education programs. The state board of education through the commissioner, *department of education*, shall distribute aid available under this paragraph *as entitlement* to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution. [The amount to be distributed to a school district under this paragraph shall be determined through the following formula:

(a)

State equalized valuation per pupil²

District equalized valuation per pupil

Cost of catastrophic aid students in district

×

=

District catastrophic aid factor

(b)

District catastrophic aid factor

State catastrophic aid factor

Catastrophic aid appropriation

×

=

District catastrophic aid share]

If in any year, the amount appropriated for distribution as catastrophic special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant; provided that the amount of catastrophic *special education* aid per pupil for a district requiring such aid shall not be more than 80 percent of catastrophic costs exceeding 3-1/2 times the state expenditure per pupil for the school year preceding the year of distribution for that district. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed according to the equalizing formula established in paragraph II. [The "cost of catastrophic aid students in district" as used in this paragraph shall include the total cost, i.e., both the 3-1/2 times the state average expenditure per pupil for the school year preceding the year of distribution which must be exceeded to be eligible for aid under this paragraph and any sums in excess of such expenditure limit.] The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance for special education costs. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain educationally handicapped children, it shall not receive catastrophic [funds] *special education aid* for those same educationally handicapped children. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting catastrophic cost increases in their special education programs as provided by this paragraph.

Amend the bill by replacing section 4 with the following:

4 New Sections; Municipal Financial Reports. Amend RSA 198 by inserting after section 4-c the following new sections:

198:4-d Reports Required; Cities and School Districts. The governing body of each city and school district shall submit to the commissioner of the department of education the following reports pursuant to rules adopted under RSA 541-A by the commissioner of revenue administration which establish the form and content of such reports:

I. A report filed by the governing body of each city and school district shall certify the appropriations voted by the meeting of the appropriate legislative body, whether city council, mayor and council, or mayor and board of aldermen, or by each annual or special school district meeting, along with estimated revenues. This report shall be filed within 20 days of the close of the meeting.

II. A report filed by the governing body of each city and school district shall revise all the estimated revenues for the year. This report shall be filed by September 1 of each year.

III. A financial report for each city and school district shall be filed showing the summary of receipts and expenditures, according to uniform classifications, during the preceding fiscal year, and a balance sheet showing assets and liabilities at the close of the year. This report shall be submitted on or before September 1 of each year, unless the filing date is extended by the commissioner of education for just cause. Failure to file may subject the noncomplying city or school district to the penalty provided in RSA 198:4-f.

IV. The budget committee in school districts operating under the municipal budget law shall file the budget within 20 days of the close of the annual or special meeting.

V. If a city or school district is audited by an independent public accountant, it shall submit a copy of the audited financial statements in accordance with RSA 21-J:19, III.

198:4-e Annual Report Required; Towns. The governing body of each town shall submit to the commissioner of the department of education, within 20 days of the close of the annual town meeting, a copy of the annual town report.

198:4-f Penalty for Failure to File Report. The governing body of each city or school district shall have a 30-day grace period if it fails to file the report due under RSA 198:4-d, III by September 1. At the end of 30 days the commissioner of the department of education shall notify the governing body that all state aid to education for the upcoming fiscal year shall be withheld until the report is filed.

AMENDED ANALYSIS

This bill changes the law relative to distribution of state aid to school districts as entitlement for the purpose of meeting catastrophic cost increases in their special education programs by requiring that the appropriation be distributed on a pro rata basis. Under current law, catastrophic aid is distributed under an equalizing formula in order to determine what amounts are to be distributed to each district.

The bill also requires the governing body of each city and school district to file certain financial reports and the governing body of each town to file a copy of the annual town report with the commissioner of the department of education.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF JOINT RULES

Rep. Hager moved that the House suspend Joint Rule 6(e), so as to permit the Committee on Appropriations to report SB 57, relative to mandatory waste reduction and recycling for state agencies, with the recommendation of re-referral to the Committee on Environment and Agriculture.

Rep. Hager spoke to her motion and yielded to questions.

A division was requested.

295 members having voted in the affirmative and 23 in the negative, the motion was adopted by the necessary two-thirds.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies. Re-refer to the Committee on Environment and Agriculture.

The Committee understands the importance of this entire recycling program and wants to make sure that it is implemented correctly. The bill carries a fiscal note of \$534,638 but no one is prepared, at this time, to say how the costs might be distributed or budgeted. The sponsors are agreed that this mandating bill would best be studied at the same time that the Governor is putting recycling into effect in state agencies. The Senate has agreed to suspend Joint Rules for this re-referral. Vote 17-0. Rep. Elizabeth Hager for Appropriations

Re-referred to Environment and Agriculture.

SB 81-FN, relative to the management of court facilities. Ought to Pass with Amendment.

This bill transfers management of most court facilities from the Supreme Court to the Department of Administrative Services. The amendment establishes a committee to determine how this transfer can be most efficiently accomplished and to determine the transfer of funds so that the transfer can take effect July 1, 1990. Vote 22-0. Rep. Robert G. Holbrook for Appropriations.

Amendment

Amend the bill by replacing all after section 6 with the following:

7 Court Facilities; Transition Plan.

I. A committee consisting of the commissioner of administrative services and his designee; the chief justice of the supreme court and his designee; and the governor or his designee; shall develop a transition plan for the transfer of responsibility for the leasing, management, maintenance and development of court facilities from the judicial branch to the executive branch. The plan shall:

(a) Identify funds in the judicial branch budget used directly or indirectly for leasing, maintenance, or development of court facilities.

(b) Make recommendations for the transfer of these funds from the judicial branch to the executive branch.

(c) Make recommendations for additional funds, if needed, for leasing, repair, maintenance and administration of court facilities.

II. The committee shall on or before December 1, 1989, submit a report, including its transition plan and recommendations for legislation, to the speaker of the house, the senate president, the governor and council, and the chairpersons of the house appropriations and senate finance committees.

8 Effective Date.

I. Sections 1 and 2 of this act shall take effect July 1, 1989.

II. Sections 3-6 of this act shall take effect July 1, 1990.

III. Section 7 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill changes the membership and duties of the court accreditation commission. The responsibility for administration of the escrow fund for court facility improvements is transferred from the court accreditation commission to the department of administrative services. The state treasurer is granted the responsibility of managing the escrow fund, which shall be used only for the construction, acquisition or improvement of court facilities.

This bill transfers the responsibility for leasing, management and maintenance of all court facilities, except the supreme court facility, from the supreme court to the department of administrative services.

The bill directs a committee to develop a transition plan for the transfer of funds for court facilities from the judicial branch to the executive branch.

Amendment adopted.

Ordered to third reading.

SB 106-FN, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor. (A) Ought to Pass with Amendment.

This legislation authorizes the Division of Motor Vehicles to issue temporary driver's licenses to new residents pending a thorough review of the person's prior motor vehicle record in the jurisdiction of previous residence and amends to reduce allocated new positions for this purpose from nine to six and accordingly reduces amount for equipment for personnel. Vote 20-2. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend paragraph I as inserted by section 3 of the bill by replacing it with the following:

I. In addition to any other sums appropriated to the division of motor vehicles, department of safety:

(a) The sum of \$100,210 is appropriated for the fiscal year ending June 30, 1990, and the sum of \$104,775 is appropriated for the fiscal year ending June 30, 1991, for the following department of safety permanent full-time classified personnel:

- (1) One supervisor, labor grade 12.
- (2) One data control clerk II, labor grade 9.
- (3) Two data entry operators III, labor grade 7.
- (4) Two secretary typists I, labor grade 4.

(b) The sum of \$7,812 is appropriated for the fiscal year ending June 30, 1990, for equipment for the personnel authorized under paragraph I.

Amendment adopted.

Ordered to third reading.

SB 109-FN-A, establishing a pilot reading recovery program and making an appropriation therefor. Ought to Pass with Amendment.

This is a very important program to help prevent school dropouts. The amendment strikes the appropriation to agree with the senate that the money is available from the school dropout line in the budget. The amendment also corrects two problems in previously passed bills, relative to the State Board of Education and relative to the date of enactment of RSA 189:54 Literacy Instruction Program specifically section II regarding dropping out of school at age 16 or 17. Vote 19-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a pilot reading recovery program and
relative to the state board of education.

Amend the bill by replacing all after section 4 with the following:

5 Board Members from Executive Councilor Districts. Amend RSA 21-N:10, III to read as follows:

III. The governor and council shall appoint the members of the board [who shall serve at the pleasure of the governor and council]. Five of the members shall be selected one each from the 5 executive councilor districts and 2 members shall be selected from the public at large. Terms of office of members shall be for 5 years from the January 31 on which the terms of their predecessors expired. Annually, on or before January 31, the governor shall name a member of the board who shall serve

as chairman for one year and until his successor is appointed. No member of the board shall serve more than 2 consecutive terms.

6 New Paragraph; Effective Date Change. Amend 1988, 274:10 by inserting after paragraph I the following new paragraph:

I-a. RSA 189:54, II as inserted by section 3 of this act shall take effect July 1, 1991.

7 Effective Date.

I. Section 5 of this act shall take effect June 30, 1989, at 12:01 a.m.

II. Section 6 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a pilot reading recovery program which will promote literacy development by training state educators to prevent reading failure in the early grades and to prepare students for literacy levels necessary for high school. The program will be administered by the division of instructional services, department of education.

The bill clarifies an inconsistency in RSA 21-N:10, III as provided in 1989 Laws, Chapter 94 relative to the state board of education by deleting reference to board members serving at the pleasure of the governor and council. The bill also changes the effective date of RSA 189:54, II relative to a student leaving school voluntarily at age 16 or 17 by demonstrating a minimum level of competency as determined by his local school board. The effective date of this provision is changed from July 1, 1989, to July 1, 1991.

Amendment adopted.

Ordered to third reading.

SB 133-FN-A, making an appropriation for Title XX grants and protective and preventive child care. Inexpedient to Legislate.

The Committee agrees that protective and preventive child care are important but does not feel that it can provide extra money at this time. Protective day care money is already in the budget. Vote 14-8. Rep. Elizabeth Hager for Appropriations.

Resolution adopted.

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula. (A) Ought to Pass with Amendment.

This bill, as amended, requires the timely distribution of Sweepstakes revenues through the Foundation Aid Formula. After July 1, all excess Sweeps revenues will be distributed within nine months. This bill will also allow Foundation Aid received in excess of Department of Education estimates to be carried forward to the next annual school meeting or a special meeting called in accordance with RSA 297:3. Vote 16-1. Rep. Ellen-Ann Robinson for Appropriations.

Amendment

Amend the bill by replacing section 3 with the following:

3 School District Expenditure Authorized. Any foundation aid distribution made in excess of the estimates calculated under RSA 198:29 shall be available for expenditure only if such expenditure is approved at a special or annual school meeting as prescribed in RSA 197 and RSA 32. Notwithstanding any other provision of law, the department of revenue administration shall not consider such excess in setting the tax rate or for any other purpose until such approval is made.

4 Applicability. The provisions of RSA 198:31, II as inserted by section 1 of this act shall not apply to excess sweepstakes revenues not specifically appropriated prior to the effective date of this act.

5 Effective Date. This act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill changes the law relative to the distribution of sweepstakes revenues through the foundation aid formula by requiring that the appropriation made in the operating budget be automatically increased by the amount of sweepstakes revenues which are received in excess of the amount originally estimated for that period.

This provision shall not apply, however, to excess sweepstakes revenues not specifically appropriated prior to the effective date of this act.

The bill requires sweepstakes revenues to be continually appropriated to and distributed by the department of education.

The bill also requires that any foundation aid distribution made in excess of amounts originally estimated be approved for expenditure at a special or annual school meeting and that the department of revenue administration shall not consider such excess in setting the tax rate until such approval is made.

Amendment adopted.

Ordered to third reading.

SB 172-FN-A, relative to the capital reserve fund and making an appropriation therefor. Inexpedient to Legislate.

This bill would establish a non-lapsing capital reserve fund. The Committee agreed with the intent of the bill, but in light of the present fiscal restraints felt there was no money available for such a reserve in this biennium. Vote 19-1. Rep. Howard C. Townsend for Appropriations.

Resolution adopted.

SB 89-FN, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes. (A) Ought to Pass with Amendment.

This legislation provides a five percent COLA for Group I retirees and it also establishes a committee to study insurance and medical benefits for retired state employees. It sets the 10 year state service (vesting) requirement for future state retirees to take medical benefits into retirement for themselves and their spouses. This bill also adds 2 judges' widows who were not covered prior to 1974 when judicial retirement was established. The fiscal note calls for state expenditures of \$9,640. Vote 16-0. Rep. Kathleen W. Ward for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 5 percent cost of living adjustment for group I retirement system members, establishing a committee to study insurance and medical benefits for retired state employees, relative to retirement benefits for widows of superior court justices and making an appropriation therefor, and relative to medical benefits for retired state employees.

Amend the bill by replacing section 9 with the following:

9 Retirement Benefits Authorized. Notwithstanding the circumstance that their husbands, superior court justices, died before the laws of 1974, 25:2 became effective, which would have made each of them eligible for and included in retirement benefits for a widow of a superior court justice as provided in RSA 491:2, widows of superior court justices shall be entitled to receive the appropriate retirement benefits due to a widow under RSA 491:2 as amended by 1974, 25:2. The amount of payments needed for each widow shall be determined by the administrative office of the courts. The governor is authorized to draw his warrant for such sums out of any money in the treasury not otherwise appropriated.

10 Medical Benefits for Biennium Ending June 30, 1991. Notwithstanding any provisions of law to the contrary, for the biennium ending June 30, 1991, the state-paid insurance provided under RSA 21-I:26-36 shall only be provided to retired state employees who are eligible for benefits under those sections and who also had 10 or more years of creditable service at the time of their retirement and their spouses and beneficiaries. Any person who, on the effective date of this act, is a retired state employee, or such employee's spouse or beneficiary, eligible for and receiving medical and surgical benefits as a retired state employee or such employee's spouse or beneficiary pursuant to RSA 21-I:30 shall not be affected by this section.

11 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group I New Hampshire retirement system beneficiaries who retired prior to July 1, 1988, effective July 1, 1989. The additional allowance becomes a permanent part of the beneficiary's retirement allowance, and shall be compounded on any previously granted allowance.

Funding for the additional allowances comes from the retirement system special account, RSA 100-A:16, II(h), as of June 30, 1989.

The bill establishes a committee to study the eligibility for state-paid group hospitalization and medical insurance for retired state employees as provided under RSA 21-I:26-36. The committee must make its report, together with any proposed legislation, no later than December 1, 1989.

This bill authorizes the state of New Hampshire to pay persons the appropriate retirement benefits due the widows of superior court justices, when the husbands of such persons died before the current law became effective which provides benefits to such widows.

The bill also provides that for the biennium ending June 30, 1991, the state-paid group hospitalization and medical insurance provided under RSA 21-I:26-36 shall only be provided to retired state employees with 10 or more years of creditable service.

Amendment adopted.

Ordered to third reading.

SB 175-FN-A, making an appropriation to the arts development program. (A) Ought to Pass with Amendment.

This legislation appropriates \$1 for the New Hampshire Arts Development Program pending further determination of budgetary priorities. Vote 18-1. Rep. Philip H. Weymouth for Appropriations.

Amendment

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$1 is appropriated for the fiscal year ending June 30, 1990, and the sum of \$1 is appropriated for the fiscal year ending June 30, 1991, to the New Hampshire council on the arts for the purpose of funding the New Hampshire arts development program as established by RSA 19-A:13. Such sums shall be non-lapsing. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

SB 191-FN-A, relative to telecommunications devices for the deaf. (A) Ought to Pass.

This bill provides the necessary money to establish proper teletypewriter (TTY) access to the state agencies for the deaf, hard of hearing, and speech-impaired residents of New Hampshire. The fiscal note calls for state expenditures of \$25,000 in both fiscal years '90 and '91. Vote 13-0. Rep. Jeffrey C. Miller for Appropriations.

Ordered to third reading.

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor. (A) Ought to Pass with Amendment.

Many Representatives and Senators feel that this is a priority bill for this session of the Legislature. It appropriates \$1 million to help assure that people with disabilities have the support necessary to stay with their own families. The amendment is a small change of the "worker" to "coordinator." Vote 15-0. Rep. Elizabeth Hager for Appropriations.

Amendment

Amend RSA 126-G:4 as inserted by section 2 of the bill by replacing it with the following:

126-G:4 Regional Family Support Councils; Coordinators. The division shall establish a family support council in each area which shall consist of persons who have a developmentally disabled family member. The family support council shall provide advice to the area agency in the development of a family support plan for the area and shall monitor the services provided pursuant to the plan. A family support coordinator shall be available within each region to assist families in acquiring the supports and services outlined in the family support plan. The family support coordinator shall work closely with the regional family support council to monitor the services provided to families.

Amend RSA 126-G:5, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Size of regional family support councils and assignment of family support coordinators pursuant to RSA 126-G:4.

Amendment adopted.

Rep. Hager spoke to the bill.

Ordered to third reading.

SB 5, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation. Majority: Ought to Pass with Amendment. Minority: Ought to Pass with Amendment.

MAJORITY: This bill, as amended, is simply enabling legislation to allow shareholders of the corporation to limit or reduce the personal liability of a corporation's directors, officers, or both from certain derivative actions by shareholders.

Even if a corporation adopted this legislation, an officer's or director's liability for monetary damages would not be eliminated or reduced if the director's or officer's conduct is found to be grossly negligent. Such conduct includes a breach of duty or loyalty to the corporation or its shareholders; acts or omissions which are not in good faith, which involve intentional misconduct or are knowing violations of the law; and, actions for which a director or officer derived an improper personal benefit.

With this shareholder protection maintained in the law, this legislation will still encourage more director/officer participation of oversight and management corporations. This bill will make it easier for small, emerging companies to attract outside experience and guidance during their formative years. Additionally, this legislation will assist in strengthening new companies and entrepreneurialism in general.

If this idea becomes law, then companies in New Hampshire will no longer be at a competitive disadvantage and operations will be less costly. The Majority of the Committee feels that this bill will bolster New Hampshire's position as a choice state of incorporation. Vote 12-4. Rep. Thomas U. Gage for the Majority of Judiciary.

MINORITY: This bill, as passed by the Majority of the Committee, allows for limited liability for directors and officers for profit corporations. While the Minority agrees with the Majority that directors should be granted this limited liability, it cannot support the inclusion of officers who are hired and paid by the corporation and whose duty it is to devote their efforts and attention to the corporation's affairs. In 1988, the House Judiciary Committee and the full House passed HB 896 which is exactly SB 5 without officers. In the Senate this bill was amended to include officers. A Committee of Conference failed and the bill died because of the inclusion of officers. Only three states have passed legislation like this. Rep. Beverly A. Hollingworth for the Minority of Judiciary.

Amendment

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Limited Liability. Amend RSA 293-A:54 by inserting after paragraph I the following new paragraph:

I-a. (a) The articles of incorporation may contain a provision eliminating or limiting the personal liability of a director, an officer, or both, to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, an officer, or both, except with respect to:

(1) Any breach of the director's and/or officer's duty of loyalty to the corporation or its shareholders;

(2) Acts or omissions which are not in good faith or which involve intentional misconduct or a knowing violation of law;

(3) Actions for which a director may be liable under RSA 293-A:48; or

(4) Any transaction from which the director, officer, or both, derived an improper personal benefit.

(b) This paragraph shall not be construed to eliminate or limit the liability of a director, an officer, or both, for any act or omission occurring prior to the effective date of this paragraph.

AMENDED ANALYSIS

This bill permits a corporation to include a provision in its articles of incorporation which would limit the liability of its directors, officers, or both, for certain breaches of fiduciary duty.

The bill provides that in certain situations the limited liability provision may not be utilized.

Amendment adopted.

Rep. Jacobson offered an Amendment.

Amendment

Amend the title of the bill by replacing it with following:

AN ACT
permitting a corporation to limit the liability
of its directors in its articles
of incorporation.

Amend the bill by replacing section 1 with the following:

I New Paragraph; Limited Liability. Amend RSA 293-A:54 by inserting after paragraph I the following new paragraph:

I-a. (a) The articles of incorporation may contain a provision eliminating or limiting the personal liability of a director to the corporation or its shareholders for monetary damages for breach of fiduciary duty as a director, except with respect to:

(1) Any breach of the director's duty of loyalty to the corporation or its shareholders;

(2) Acts or omissions which are not in good faith or which involve violation of state or federal laws on corporations or securities law or which involve intentional misconduct;

(3) Actions for which a director may be liable under RSA 293-A:48; or

(4) Any transaction from which the director derived an improper personal benefit.

(b) This paragraph shall not be construed to eliminate or limit the liability of a director for any act or omission occurring prior to the effective date of this paragraph.

(c) Any person, natural or legal, who is held liable under this paragraph shall be held jointly and severally liable for all damages arising out of such liability.

AMENDED ANALYSIS

This bill permits a corporation to include a provision in its articles of incorporation which would limit the liability of its directors for certain breaches of fiduciary duty.

The bill provides that in certain situations the limited liability provision may not be utilized. Any person found liable is jointly and severally liable.

Rep. Jacobson spoke to his amendment and yielded to questions.

Reps. Hultgren, Thomas Gage and Record spoke against the amendment and yielded to questions.

Reps. Murphy and Hollingworth spoke in favor of the amendment.

A roll call was requested. Sufficiently seconded.

YEAS 98

NAYS 231

**YEAS 98
BELKNAP**

Maviglio, Steven R.

Rice, Thomas E. P., Jr.

Richardson, Lawrence

CARROLL		
MacDonald, Kenneth J.	Olimpio, J. Lisbeth	
CHESHIRE		
Barber, Robert E., Jr.	Cole, Kenneth A.	Foster, Katherine D.
LaMar, David M.	Matson, William R.	Pratt, Irene A.
Spear, Susan S.		
COOS		
Buckley, C. Fitzgerald, III	Kilbride, Dennis J.	Mayhew, Josephine
Oleson, Otto H.	Woodburn, Jeffrey R.	
GRAFTON		
Arnesen, Deborah L.	Chambers, Mary P.	Copenhaver, Marion L.
Densmore, Edward D.	Rose, William B.	
HILLSBOROUGH		
Baldizar, Barbara J.	Bourque, Ann J.	Daigle, Robert A.
Drolet, Paul L., Jr.	Dube, Ellen C.	Dwyer, Patricia R.
Dyer, Merton S.	Dykstra, Leona	Foote, Herbert N., Sr.
Frank, Nancy G.	Genest, Fernand A.	Goulet, Maurice E.
Green, Scott E.	Hall, Betty B.	Healy, Daniel J.
Jean, Romeo W.	Jenkins, Mary	Johnson, Lionel W.
King, John A.	Kurk, Neal M.	Lachut, Ervin R.
Long, Linda D.	McDowell, James E.	McNerney, Daniel P.
Moore, Elizabeth A.	Morrisette, Roland A.	Murphy, Robert E.
Packard, Bonnie B.	Pignatelli, Debora B.	Prestipino, Bartolo V.
Reidy, Frank J.	Rodgers, G. Philip	Smith, Leonard A.
Soucy, Lillian E.	Toomey, Daniel	Upton, Barbara A.
MERRIMACK		
Bardsley, Elizabeth S.	Beaton, Nancy C.	Braiterman, Thea G.
Fillion, Paul R.	Hall, Douglas E.	Jacobson, Alf E.
Pantzer, Eugene E.	Trombly, Rick A.	Wallner, Mary Jane
ROCKINGHAM		
Bell, Juanita L.	Blanchard, MaryAnn N.	Brown, Jeffrey M.
Chase, Lawrence A., Jr.	Dube, LeRoy S.	Hoar, John, Jr.
Hollingworth, Beverly A.	Kane, Cecelia D.	Katsakiores, George N.
McGovern, Cynthia A.	Palazzo, Frank J., Sr.	Pantelakos, Laura C.
Roulston, Donald L.	Sanderson, Patricia O.	Schmidtchen, Rowland
Seward, Russell G.	Tufts, J. Arthur	Vaughn, Charles L.
Weddle, Michael R.	Welch, David A.	
STRAFFORD		
Gilmore, Gary R.	Marston, Robert E.	O'Brien, John
Parks, Joe B.	Scharff, Thomas E.	Spencer, Leo J.
Sullivan, Henry P.	Vincent, Francis C.	
SULLIVAN		
Brodeur, Robert J.	Flint, Gordon B.	Stamatakis, Carol M.
NAYS 231		
BELKNAP		
Ballou, Richard A.	Bolduc, Dennis R.	Campbell, Richard H., Jr.
Hardy, Earle D.	Hawkins, Robert S.	Holbrook, Robert G.
Locke, Matthew J.	Pearson, Ralph W.	Randall, Kenneth A.
Turner, Robert H.	Vogler, Charles C.	Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Daly, Robert J., Jr.
Foster, Robert W.
Wiggin, Allen R.

Chandler, Gene G.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chase, Russell C.
Dodge, Arthur G., Jr.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
Hunt, John B.
Morse, JoAnn T.
Sawyer, Alfred P.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Young, David A.

Cole, Stacey W.
Doucette, Richard F.
Hill, Douglas E.
Miller, Jeffrey C.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton

Burns, Harold W.
Horton, Lynn C.
Merrill, Gerald P.

Dumont, Robert E.
Lemire, George
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Christy, C. Dana
Hill, Richard L.
Markley, J. Keith
Stewart, Roger
Wadsworth, Karen O.

Bennett, Shirley M.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Biondi, Christine A.
Cox, Gladys M.
Domaingue, Jacquelyn M.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Guilbert, Lionel
Hatch, William H.
Hunter, Bruce F.
Kelley, Robert N.
Lawrence, Norman B.
Mason, Howard F.
Messier, Irene M.
Ouellette, Robert O.
Perham, Lester R.
Rheault, Lillian I.
Sallada, Roland A.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Alukonis, David J.
Barry, Vivian
Bowers, Dorothy C.
Desrochers, Gerard T.
Donovan, Francis X.
Fields, Dennis H.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jasper, Shawn N.
Knight, Alice Tirrell
Lefebvre, Roland J.
McCann, Bonnie Lou
Nardi, Theodora P.
Pappas, Toni
Provost, Gilles R.
Riley, Frances L.
Searles, Stanley N., Sr.
Turgeon, Roland M.
Wheeler, David K.

Amidon, Eleanor H.
Bicknell, Robert C.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Flood, Jacqueline J.
Grip, Robert H.
Harlan, Susan N.
Hultgren, David D.
Keefe, Edmund M.
Kress, Gloria W.
Lown, Elizabeth D.
McRae, Karen
O'Rourke, JoAnne A.
Pepino, Leo P.
Record, Alice B.
Robinson, Ellen-Ann
Stiles, Walter A.
Tyree, Paul M.
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Carter, Susan D.
Fraser, Leo W., Jr.

Barberia, Richard A.
Daneault, Gabriel
Gilbreth, Robert M.

Boucher, Laurent J.
Dunn, Miriam D.
Gross, Caroline L.

Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.
Teague, Bert
Whittemore, James A.

Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pfaff, Terence R.
Smith, Gerald R.
Tolpin, Richard W.

Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Phelps, James D.
Stio, Peter M.
West, George M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Lewis W.
Campbell, Marilyn R.
Cooke, Annette M.
Fesh, Robert M.
Flanders, John W., Sr.
Gage, Beverly A.
Haynes, Richard L.
Katsakiores, Phyllis M.
Lovejoy, Virginia K.
Magoon, Harold F.
McKinney, Betsy
Parr, Ednapearl F.
Ritzo, Eugene
Sherburne, John L.
Stachowske, Vicki
Wright, David B.

Benton, Richardson D.
Buco, Stephen W.
Caswell, Albert, Jr.
Drake, Herbert R.
Flanagan, Natalie S.
Ford, Bert H.
Gage, Thomas U.
Hoelzel, Kathleen M.
King, Roger C.
MacDonald, Maurice B.
McCain, William F.
Micklon, Stephanie K.
Parsons, Robert F.
Rosencrantz, James R.
Skinner, Patricia M.
Sytek, Donna P.

Boucher, William P.
Campbell, Eunice M.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, Harry E.
Forsythe, Douglas G.
Greene, Elizabeth A.
Johnson, Robert A.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Raynowska, Bernard J.
Senter, Marilyn P.
Sochalski, Matthew M.
Warburton, Calvin

STRAFFORD

Bernard, Mary E.
Callaghan, Robert J.
Flynn, Edward J.
Kinney, Paula J.
Stewart, Glenn W.
Tsiros, William

Bickford, Drucilla
Dionne, Albert J.
Frechette, Roland A.
Martling, W. Kent
Swope, Warren L.
Wall, Janet G.

Brown, Julie M.
Flynn, Anita A.
Kincaid, William K.
Pelley, Janet R.
Torr, Ann M.
Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

and the amendment lost.
Ordered to third reading.

Rep. Scamman, on behalf of the House offered the following:

RESOLUTION NO. 27

honoring Representative Russell C. Chase of Wolfeboro

WHEREAS, a gentleman is defined as one of gentle and refined manner; a well-bred man of character and fine feelings, and

WHEREAS, in the collective opinion of his family, his friends, and his colleagues, Russell C. Chase is a man who epitomizes that definition, and

WHEREAS, for ten terms, Russell C. Chase has been an honorable and respected member of the New Hampshire House of Representatives, and

WHEREAS, Russell C. Chase is an articulate man, possessed of a profound love for the history of these United States of America and on numerous occasions has demonstrated to the House membership his scholarliness on the Declaration of Independence, the Constitution and New Hampshire's role in our country's illustrious history, and

WHEREAS, in the Year of Our Lord, Nineteen Hundred and Eighty-One, the New Hampshire General Court did legislatively create the Bicentennial Commission on the United States Constitution, and

WHEREAS, for the years since passed, Russell C. Chase has been the esteemed Chairman of that Commission, capably and energetically guiding the twenty members in the successful execution of their duties, now therefore be it

RESOLVED, by the Speaker of the House, that Russell C. Chase be lauded and granted highest accolades for his outstanding and untiring work to bring to the people of New Hampshire a keen awareness of their history and heritage, and be it further

RESOLVED, that Russell C. Chase be recognized as a learned historian, and that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

Rep. Russell Chase addressed the House briefly.

Thank you very much. You catch one of your members in a weakened condition. Having enjoyed some ill health, I might say, which I don't recognize at all, but it has kept me away from you. And I have regretted that a great deal.

As to the Bicentennial Commission, it has been a very personal pleasure of mine to be involved and largely because of the group of people who put me in this position in the first place. Because it indicates your interest in the Constitution under which we work. It is a delight to work with you and for you and that the Bicentennial Commission is to be extended through 1991.

COMMITTEE REPORTS (Cont'd)

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements. Ought to Pass with Amendment.

This bill appropriates an additional \$85,610 for FY'89 to cover the shortfall in 1988 flood control reimbursements to 18 municipalities; and mandates distribution of flood control monies which will hereafter become a charge against the general fund and distributed annually on or before December 15th based on the county equalized tax base evaluation. Failure to distribute funds timely will incur a 12% interest penalty against the state. Vote 18-0. Rep. Merle W. Schotanus for Appropriations.

Amendment

Amend the bill by replacing all after the enacting clause with the following:

1 Flood Control Reimbursements. RSA 122:4 is repealed and reenacted to read as follows:

122:4 Reimbursement to Cities and Towns.

I. The commissioner of revenue administration shall calculate the amount to be distributed for flood control reimbursements to cities and towns in which any taxable real estate or interest therein has been acquired under this chapter by the United States and thus become tax exempt for such year based on a sum equal to the taxes which would have been assessed against the real estate or interest therein in such town or city if the same had been included in the list of taxable property for such year. For land

acquired by the United States under this chapter, the calculation shall be made upon a valuation determined as provided in this paragraph on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land for the purposes of this paragraph. For all artificial improvements on land acquired by the United States under this chapter, including buildings, structures and other artificial real estate fixtures of any kind, the calculation shall be made upon a valuation determined initially as provided in this paragraph and thereafter annually reduced by 2-1/2 percent so that at the end of 40 years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States under this chapter the initial assessed valuation of the land and improvements for purposes of the calculation under this paragraph shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the commissioner of revenue administration acting as a joint board, so as to make such valuation proportional to the value of all other property in such town or city subject to taxation. For purposes of this paragraph the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided. The valuations of improvements thus determined shall thereafter be annually reduced over a 40-year period as provided in this paragraph. On land, and artificial improvements, the valuations initially established as provided in this paragraph in a town or city shall be reviewed by the commissioner at least once in every 5 years and more frequently if reasonably necessary and be changed as necessary to make them proportional with the assessed value of all other taxable property in such town or city. The amount calculated for distributions to towns and cities under paragraph II shall be determined by the commissioner and certified by him to the state treasurer not later than 30 days following the establishment and approval of the tax rates of each town and city under this chapter.

II. The distribution shall be made each year by the state treasurer on a date not later than 30 days after the last local tax rate in the state has been determined for the current tax year. The distribution shall be based upon the county equalized tax base valuation used by the county for tax assessments to cities and towns. The state treasurer shall reduce the amount to be distributed to a town or city by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation, as certified to him by the commissioner. The governor is authorized to draw his warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated; provided, however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated, as determined by the commissioner.

2 Reimbursement Determined by Commissioner. Amend RSA 122:6 to read as follows:

122:6 Funding of Reimbursement.

I. The commissioner of revenue administration shall propose to each biennial session of the legislature an [estimate of the full] amount needed to make the reimbursements provided for in RSA 122:4 [for the ensuing biennium] *for each year of*

the biennium. In the event that the amount appropriated in any biennium shall be insufficient, then the towns and cities entitled to benefits [hereunder] *under RSA 122:4, II* shall be reimbursed [proportionately, unless otherwise subsequently ordered by the legislature under RSA 122:4] *directly by the state treasurer in an amount necessary to make up the insufficiency from funds not otherwise appropriated, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.*

II. Interest at 12 percent per annum shall be charged upon all payments made by the state treasurer under paragraph I and under RSA 122:4, II not paid when due, and such interest shall be included in the payments from the date payment was due until the date payment is actually made.

3 Supplemental Appropriation. In addition to any other sums appropriated to PAU 01, 07, 01, 04, class 90 flood control, the sum of \$85,610 is hereby appropriated for the fiscal year ending June 30, 1989, to the department of revenue administration for flood control reimbursements. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Interest; Supplemental Appropriation. In addition to the amount appropriated in section 3 of this act, the state treasurer shall pay directly to the cities and towns interest at the rate of 12 per cent per annum from December 31, 1989, until the date payment is actually made, upon the sum appropriated in section 3 of this act, and such sums are hereby appropriated. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Section 1 of this act shall take effect June 18, 1989, at 12:01 a.m.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes a supplemental appropriation for fiscal year 1989 for flood control reimbursements to municipalities, and requires the state to pay 12 percent interest on this appropriation from December 31, 1988, until payment is actually made to cities and towns. The bill requires the commissioner of revenue administration to state to the legislature the full amount needed to make such reimbursements. The commissioner calculates the amounts for reimbursements based on the assessed valuation of the property in the year it was taken, with certain adjustments. The distributions are based on the county equalized tax base valuation used by the county for tax assessments.

If the amount appropriated for reimbursements is insufficient, the state treasurer directly reimburses the cities and towns in an amount necessary to make up the insufficiency. Interest is to be paid for late distributions.

Rep. LaMott spoke against the amendment.

Amendment lost.

Ordered to third reading.

SB 23, relative to the executive director of the liquor commission. Inexpedient to Legislate.

As the Liquor Commission is about to have a new Chairperson, the question of executive director should await the new Commissioner and plans as the amount for salary is not in the House budget at this time. Vote 15-0. Rep. Rep. Robert G. Holbrook for Appropriations.

Rep. Gross moved that SB 23 be recommitted to the Committee on Appropriations. Motion adopted.

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation. Ought to Pass with Amendment.

The House has been trying to improve judges' retirement and increase judges' pay for several sessions. This year the Senate has passed both a retirement bill (SB 82) and a pay raise bill (SB 146). Due to the fiscal situation, the Committee feels it can recommend passage of only one of the bills at this time, and the recommended bill is SB 146.

The amendment to this bill, therefore, strikes out the additional benefits and provides: (1) For the first time, beginning on July 1, judges will contribute toward the cost of their retirement, and (2) The pay raises recommended in SB 146, if enacted, will be the only pay increases for the judiciary in the next biennium. The bill as amended is revenue positive. Vote 15-0. Rep. Rep. Caroline L. Gross for Appropriations.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to judicial salaries and judges'
contributions for retirement.

Amend the bill by replacing all after the enacting clause with the following:

1 Judges Contributions for Retirement. Commencing July 1, 1989, each justice of the supreme and superior court, each justice of the district court prohibited from practice under RSA 502-A:21, and each probate judge prohibited from practice under RSA 547:2-a shall contribute for retirement 5 percent of his or her salary to the general fund each fiscal year.

2 Contingency. If SB 146-FN-A of the 1989 legislative session, relative to judicial salaries, becomes law, the increases in salary granted in such bill shall be the only salary increases granted to judges for the biennium ending June 30, 1991. Judges shall not receive pay raises granted to classified state employees and other state employees by other 1989 or 1990 legislative acts.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires each supreme court, superior court, probate court and district court justice to contribute for retirement 5 percent of his or her salary to the general fund each fiscal year.

The bill also provides that if SB 146-FN-A of the 1989 session, relative to judicial salaries, becomes law, the salary increases granted in such bill shall be the only increases granted to judges during the 1990-91 biennium.

Amendment adopted.

Ordered to third reading.

Rep. Burling abstained from voting under Rule 16.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence. Ought to Pass with Amendment.

This bill increases the marriage license fee from \$20 to \$40 and increases the amount forwarded to the fund for domestic violence programs. The amendment pro-

Amendment

Amend the bill by replacing section 2 with the following:

2 Marriage License Fee Decreased. Amend RSA 457:29 to read as follows:

457:29 Marriage License Fee. The fee for the marriage license shall be [~~\$40~~] **\$20** to be paid by the parties entering into the marriage. The clerk shall forward [~~\$33~~] **\$13** from each fee to the state treasurer for the purposes of RSA 173-B:13. The clerk shall retain the remaining \$7 as his fee for making the records of notice, issuing the certificate of marriage, and forwarding the [~~\$33~~] **\$13** portion of the marriage license fee.

3 Effective Date.

- I. Section 2 of this act shall take effect July 1, 1994.
- II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill increases the marriage license fee from \$20 to \$40, and increases from \$13 to \$33 the amount to be forwarded to the fund established for domestic violence programs.

The bill returns the marriage license fee to the amount stated in current law on July 1, 1994, and eliminates the additional payment to the fund.

Rep. Townsend yielded to questions.
Rep. Kenneth Cole spoke against the bill and yielded to questions.
Reps. Lefebvre and LaMott spoke to the bill and yielded to questions.
Amendment adopted.
Ordered to third reading.

SB 146-FN, relative to judicial salaries. Ought to Pass.

This bill increases judicial salaries. It has the support of the Senate, the House Leadership, and the Appropriations Committee. Vote 21-1. Rep. Caroline L. Gross for Appropriations.

Rep. Lawrence Chase moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass, and spoke to his motion.
Reps. Gross and Chambers spoke against the motion and yielded to questions.
A roll call was requested. Sufficiently seconded.

YEAS 80		NAYS 249
YEAS 80		
BELKNAP		
Locke, Matthew J.	Maviglio, Steven R.	Ziegler, Alice S.
CARROLL		
Dodge, Arthur G., Jr.	Wiggin, Allen R.	
CHESHIRE		
Delano, Robert F.	Hill, Douglas E.	Morse, JoAnn T.
Pratt, Irene A.	Young, David A.	
COOS		
Brungot, Catherine V.	Buckley, C. Fitzgerald, III	Lemire, George
Theriault, Romeo J.	Woodburn, Jeffrey R.	

GRAFTON

Christy, C. Dana
Teschner, Douglass P.

Rose, William B.
Weymouth, Philip H.

Stewart, Roger

HILLSBOROUGH

Barry, Vivian
Domaingue, Jacquelyn M.
Dykstra, Leona
Gagnon, Gabrielle V.
Kress, Gloria W.
McDowell, James E.
Pepino, Leo P.
Wheeler, David K.

Biondi, Christine A.
Donovan, Francis X.
Foote, Herbert N., Sr.
Hunter, Bruce F.
Lachut, Ervin R.
Morrissette, Roland A.
Prestipino, Bartolo V.

Cox, Gladys M.
Drolet, Paul L., Jr.
Frank, Nancy G.
Johnson, Lionel W.
Lawrence, Norman B.
Ouellette, Robert O.
Riley, Frances L.

MERRIMACK

Barberia, Richard A.
Tolpin, Richard W.

Beaton, Nancy C.

Pfaff, Terence R.

ROCKINGHAM

Boucher, William P.
Chase, Lawrence A., Jr.
Forsythe, Douglas G.
McKinney, Betsy
Raynowska, Bernard J.
Senter, Marilyn P.
Stachowske, Vicki
Welch, David A.

Brown, Jeffrey M.
Dube, LeRoy S.
Haynes, Richard L.
Micklon, Stephanie K.
Roulston, Donald L.
Seward, Russell G.
Vaughn, Charles L.
Wright, David B.

Campbell, Eunice M.
Flanders, Harry E.
Magoon, Harold F.
Palazzo, Frank J., Sr.
Schmidtchen, Rowland
Sochalski, Matthew M.
Warburton, Calvin

STRAFFORD

Bickford, Drucilla
Frechette, Roland A.
Spencer, Leo J.

Callaghan, Robert J.
Gilmore, Gary R.
Swope, Warren L.

Dionne, Albert J.
O'Brien, John
Vincent, Francis C.

SULLIVAN

Brodeur, Robert J.

Domini, Irene C.

NAYS 249**BELKNAP**

Ballou, Richard A.
Hardy, Earle D.
Randall, Kenneth A.
Turner, Robert H.

Bolduc, Dennis R.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Campbell, Richard H., Jr.
Pearson, Ralph W.
Richardson, Lawrence

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Olimpio, J. Lisbeth

Chandler, Gene G.
Foster, Robert W.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Cole, Kenneth A.
Doucette, Richard F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan S.

Barber, Robert E., Jr.
Cole, Stacey W.
Foster, Katherine D.
Hunt, John B.
Matson, William R.
Perry, David M.

Blacketor, Paul G.
Crutchley, Donald O.
Gordon, Irvin H.
LaMar, David M.
Miller, Jeffrey C.
Sawyer, Alfred P.

COOS

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald P.

Guay, Lawrence J.
Marsh, Beaton
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Driscoll, William J.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Hill, Richard L.
Markley, J. Keith
Townsend, Howard C.

Bean, Pamela B.
Chambers, Mary P.
Dow, David O.
LaMott, Paul I.
Scanlan, David M.
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Dwyer, Patricia R.
Fields, Dennis H.
Genest, Fernand A.
Grip, Robert H.
Hall, Betty B.
Healy, Daniel J.
Jasper, Shawn N.
Keefe, Edmund M.
Knight, Alice Tirrell
Long, Linda D.
Mason, Howard F.
McRae, Karen
Murphy, Robert E.
Packard, Bonnie B.
Pignatelli, Debora B.
Reidy, Frank J.
Rodgers, G. Philip
Smith, Leonard A.
Tarpley, Nancy L.
Tyree, Paul M.
Wihby, Linda S.

Alukonis, David J.
Baldizar, Barbara J.
Bowers, Dorothy C.
Daigle, Robert A.
Drabinowicz, A. Theresa
Dyer, Merton S.
Flood, Jacqueline J.
Goulet, Maurice E.
Guilbert, Lionel
Harlan, Susan N.
Holden, Carol H.
Jean, Romeo W.
Kelley, Robert N.
Kurk, Neal M.
Lown, Elizabeth D.
McCann, Bonnie Lou
Messier, Irene M.
Nardi, Theodora P.
Pappas, Toni
Provost, Gilles R.
Rheault, Lillian I.
Sallada, Roland A.
Soucy, Lillian E.
Toomey, Daniel
Upton, Barbara A.

Amidon, Eleanor H.
Bicknell, Robert C.
Burkush, Peter A.
Desrochers, Gerard T.
Dube, Ellen C.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Green, Scott E.
Gureckis, Adam C., Sr.
Hatch, William H.
Hultgren, David D.
Jenkins, Mary
King, John A.
Lefebvre, Roland J.
Lozeau, Donnalee M.
McNerney, Daniel P.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Perham, Lester R.
Record, Alice B.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Stiles, Walter A.
Turgeon, Roland M.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Braiterman, Thea G.
Dunn, Miriam D.
Gilbreth, Robert M.
Hall, Douglas E.
Holmes, Mary C.
Kidder, William F.
Millard, Elizabeth S.

Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Gross, Caroline L.
Hayes, Robert C.
Jacobson, Alf E.
Lewis, Mary Ann
Nichols, Avis B.

Boucher, Laurent J.
Daneault, Gabriel
Fraser, Leo W., Jr.
Hager, Elizabeth
Hill, Michael
Johnson, C. William
Lockwood, Robert A.
Phelps, James D.

Shaw, Randall F.
Teague, Bert
West, George M.

Smith, Gerald R.
Trombly, Rick A.
Whittemore, James A.

Stio, Peter M.
Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Blanchard, MaryAnn N.
Campbell, Marilyn R.
Cooke, Annette M.
Fesh, Robert M.
Ford, Bert H.
Greene, Elizabeth A.
Hollingworth, Beverly A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Mace, Ada L.
McGovern, Cynthia A.
Parr, Ednapearl F.
Rosencrantz, James R.
Skinner, Patricia M.
Vartanian, Elsie

Bell, Juanita L.
Brown, Lewis W.
Caswell, Albert, Jr.
Drake, Herbert R.
Flanagan, Natalie S.
Gage, Beverly A.
Hoar, John, Jr.
Johnson, Robert A.
Katsakiores, Phyllis M.
Lovejoy, Virginia K.
McCain, William F.
Palumbo, Vincent J., Jr.
Parsons, Robert F.
Sanderson, Patricia O.
Sytek, Donna P.
Weddle, Michael R.

Benton, Richardson D.
Buco, Stephen W.
Conroy, Janet M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Hoelzel, Kathleen M.
Kane, Cecelia D.
King, Roger C.
MacDonald, Maurice B.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Ritzo, Eugene
Sherburne, John L.
Tufts, J. Arthur

STRAFFORD

Bernard, Mary E.
Flynn, Edward J.
Marston, Robert E.
Pelley, Janet R.
Sullivan, Henry P.
Wall, Janet G.

Brown, Julie M.
Kincaid, William K.
Martling, W. Kent
Scharff, Thomas E.
Torr, Ann M.
Young, John B.

Flynn, Anita A.
Kinney, Paula J.
Parks, Joe B.
Stewart, Glenn W.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Peyron, Fredrik
Stamatakis, Carol M.

Flint, Gordon B.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Hinrichsen, Keith L.
Middleton, John A.
Schotanus, Merle W.

and the motion lost.

Ordered to third reading.

Rep. Burling abstained from voting under Rule 16.

SENATE MESSAGE

CONCURRENCE IN SUSPENSION OF JOINT RULE

The Senate concurs in the suspension of Joint Rule 6(e) to allow the following bill to be re-referred to a House policy committee.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, May 11 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 156-FN, relative to refuse disposal.

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning.

SB 31, relative to renovation of the Rochester post office as a district court facility.

SB 51-FN, relative to the Christa McAuliffe planetarium.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.

SB 58-A, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge.

SB 61-FN-A, relative to preserving the old state house and making an appropriation therefor.

SB 77-FN, relative to holiday pay for certain part-time employees.

SB 88-FN, providing a cost of living adjustment for certain group I members.

SB 90-FN, providing a 4 percent cost of living adjustment for group II members.

SB 91-FN, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957.

SB 96-A, relative to the Portsmouth district court and making an appropriation therefor.

SB 97-FN, relative to the distribution of drug forfeiture money.

SB 100-FN, relative to pari-mutuel racing.

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster.

SB 122-FN, relative to member retirement deductions for certain group II members.

SB 147-FN-A, relative to waiting lists for developmentally disabled persons.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor.

SB 152-FN-A, relative to a study of a portion of the Spaulding Turnpike and making an appropriation therefor.

SB 153-FN-A, establishing a committee to study the AFDC program.

SB 164-FN, relative to licensing ophthalmic dispensers.

SB 168-FN, establishing a division of fire service.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state.

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor.

SB 36-FN, relative to catastrophic costs and school building aid.

SB 81-FN, relative to the management of court facilities.

SB 89-FN, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes.

SB 106-FN, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor.

SB 109-FN-A, establishing a pilot reading recovery program and making an appropriation therefor.

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula.

SB 175-FN-A, making an appropriation to the arts development program.

SB 191-FN-A, relative to telecommunications devices for the deaf.

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor.

SB 5, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation.

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements.

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation.

SB 99-FN, supplementing the funding for programs which assist victims of domestic violence.

SB 146-FN, relative to judicial salaries.

Reps. Palumbo and Chambers moved that the House stand in recess for the purpose of establishing Committees of Conference only.

Adopted.

The House recessed at 4:05 p.m.

RECESS

(Rep. Stio in the Chair)

SENATE MESSAGES

NONCONCURS WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 67-FN, relative to regulation of excavation of sand, gravel and construction aggregate.

The President appointed Sens. Bond, Preston and Freese.

Rep. Phelps moved that the House accede.

Adopted.

The Chair appointed Reps. Elizabeth Greene, Stio, Millard and Trombly.

ENROLLED BILLS REPORTS

HB 91, relative to the New Hampshire technical institute and vocational technical colleges.

HB 112, relative to enforcing the boating laws.

HB 138, providing for a supported employment program and for an independent living program.

HB 145, relative to children and youth services.

HB 178, relative to continuing the study committee reviewing the liquor laws.

HB 207, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury.

HB 271, relative to fish and game license fees.

HB 324, relative to posted school zones.

HB 375, relative to long-term care insurance for the elderly.

Rep. Mary C. Holmes

Sen. David P. Currier

For the Committee

HB 32, relative to the Hampton seawall and making an appropriation therefor.

HB 166, relative to capitol projects for the department of fish and game and authorizing a maintenance and construction crew for the fish and game department and making an appropriation therefor.

HB 232, relative to authorizing the prepayment of taxes.

HB 261, relative to dog licenses.

HB 313, relative to Carroll county attorney.

HB 323, relative to bank examinations and mutual holding company conversions.

HB 401, imposing a filing fee for registration of securities by coordination.

HB 414, relative to the sale or exchange of beneficial interests in business organizations for business profits tax purposes.

HB 449, relative to civil suits against municipal officials.

HB 467, relative to discharges of mortgages.

HB 493, relative to insurance premium refunds.

HB 676, relative to the operation of OHRVs on rights-of-way.

HB 708, relative to the Free Trade Agreement between the United States and Canada.

HB 748, relative to anatomical gifts accepted by medical or dental schools.

Rep. Mary Ann Lewis

Sen. David P. Currier

For the Committee

HB 40, relative to intrastate motor carriers.

HB 94, relative to pre-admission screening for nursing homes.

HB 123, relative to the office of securities regulation.

HB 175, relative to bail commissioners' fees.

HB 476, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts.

HB 498, relative to publication of information on certain juvenile offenders.

HB 505, relative to speed limits on state roads in towns.

HB 521, regarding a state loan for the Monroe sewage treatment facility.

HB 553, relative to the Wentworth-Douglass Hospital charter.

HB 615, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation.

HB 751, relative to state-issued bonds sold at a discount.

SB 15, relative to New Hampshire hospital reimbursements for certain observations.

SB 46, relative to wage withholding for child support.

SB 49, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program.

SB 53, relative to assessing time share interests.

SB 54, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 120, relative to acute care.

SB 185, establishing a board of natural scientists study committee.

Rep. Ann J. Bourque
Sen. David P. Currier
For the Committee

RECESS

(Deputy Speaker Burns in the Chair)

ENROLLED BILL REPORT

SB 205, relative to establishing the New Hampshire energy authority and making an appropriation therefor.

Rep. James Phelps
Sen. George Disnard
For the Committee

(Rep. Phelps in the Chair)

SENATE MESSAGES

NONCONCURRENCE WITH AMENDMENT

REQUESTS COMMITTEES OF CONFERENCE

SB 69-FN, establishing the home mortgage guarantee authority.

The President appointed Sens. Freese, Dupont and St. Jean.

Rep. Torr moved that the House accede.

Adopted.

The Speaker appointed Reps. Fraser, Fair, Bicknell and Christy.

SB 10, repealing a chapter on floating timber and damage therefrom.

The President appointed Sens. Heath, Preston and Delahunty.

Rep. Torr moved that the House accede.

Adopted.

The Speaker appointed Reps. Wiggin, Marston, Blanchard, and Lewis.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 658-FN, relative to taking depositions of child witnesses in criminal cases.
(Amendment printed SJ 21, 5/4/89)

Rep. Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Bean, Lionel Johnson and Lovejoy.

HB 677, relative to modification of child support guidelines. (Amendment printed SJ 21, 5/4/89)

Rep. Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. McCain, Searles, Domini, and Wallner.

HB 262-FN, establishing a study committee on liability for expenses for children in need of services. (Amendment printed SJ 21, 5/4/89)

Rep. Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bean, McCain, Bowers and Nordgren.

HB 118, relative to collision damage waiver. (Amendment printed SJ 20, 5/2/89)

Rep. Torr moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Christy, Krueger and Tsiros.

Rep. Stacey Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 25

Thursday, May 11, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by House Chaplain the Rev. John B. McCall.

O God, the end is in sight. We can feel it - almost taste it. We are beginning to recall that there is real life to be lived outside this chamber. Keep us faithful to our task in these waning days.

As we debate and decide, we are tempted to ask for a sign - a bolt of lightening, or a burning bush, or a voice from on high. Yet we know, Holy One, that You do not always work in such conspicuous ways.

So, rather, guide us gently and urge us to ask the right questions as we seek the right answers. Remind us that the people we serve look to us first for faithfulness and fairness. By the power of Your spirit, we ask it. Amen.

Rep. Callaghan led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Kress, A. Gibb Dodge, Ann Derosier, Janet Barry, Manus, Popov, Russell Chase, Daniel Eaton, Grip, Roger Stewart, Weddle, Brady and Whitcomb, the day, illness.

Reps. Gerald Smith, Millard, Avery, Golden, Metzger, Ralph Rosen, Splaine, Tufts, Lachance, Parr, Kane, Roulston, and William McCann, the day, important business.

Reps. Joseph MacDonald and Hynes, the day, illness in the family.

INTRODUCTION OF GUESTS

Jennifer Wadsworth, daughter of Rep. Wadsworth; the fourth grade of Allenstown Elementary School and its teachers Edie Danelli and Mrs. Jaffrey, guests of Reps. Provencal and Daneault; Mary Emery and the Estonian Peace Committee, guests of Rep. Grip; Clara Hawks of Centralia, WA, mother of Rep. Asplund; Wayne Blackburn of Plymouth and Stephanie Karageorge of Portsmouth, guests of Rep. Dow; Frances Carlberg, guest of Rep. Hoelzel; Marion Lord, former member of this House and of the House Appropriations Committee, mother of Rep. Gross; Howard and Velma Erickson of St. Paul, MN, guests of Rep. Emerton.

Shirley Adamovich, Commissioner of the New Hampshire Department of Libraries, Arts and Historical Resources, introduced the North Country Chamber Players, who presented a program of chamber music.

SENATE MESSAGES**NONCONCURRENCE**

HB 109-FN, relative to physicians and dentists in the department of health and human services and the department of corrections.

HB 258-FN, increasing the cap on the revolving drug forfeiture fund.

HB 386-FN-A, relative to improving the financial status of impoverished children.

HB 422-FN-A, relative to increasing the rate of the business profits tax, and relative to establishing a committee to study the business profits tax.

HB 570-FN-A, establishing a forgivable teaching loan program and making an appropriation therefor.

CONCURRENCE

HB 58-FN-A, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination.

HB 84, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system.

HB 157-FN, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor.

HB 396, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators.

HB 536-FN, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount.

HB 579-FN, permitting certain policemen and firemen to join the New Hampshire retirement system.

HB 622-FN, relative to vested deferred retirement benefits for group I members.

CONCURRENCE WITH AMENDMENTS

SB 195-FN-A, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor.

SB 22, relative to certain forestry activities in wetlands.

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses.

SB 38-FN, relative to fireworks.

SB 205-FN-A, relative to establishing the New Hampshire energy authority and making an appropriation therefor.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 140-FN, relative to delinquent children and children in need of services. (Amendment printed SJ 12, 3/24/89)

Rep. Bean moved that the House concur.

Adopted.

HB 651-FN, relative to adoption fees and information about birthparents. (Amendment printed SJ 14, 4/11/89)

Rep. Bean moved that the House concur.

Adopted.

HB 59, changing the name of the New Hampshire vocational-technical college education system. (Amendment printed SJ 21, 5/4/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 136-FN-A, relative to education in unorganized places. (Amendment printed SJ 21, 5/4/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 226-A, relative to state-issued bonds for college tuition. (Amendment printed SJ 21, 5/4/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 640-FN, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan. (Amendment printed SJ 21, 5/4/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 19, regarding the use of the hazardous waste cleanup fund. (Amendment printed SJ 17, 4/18/89)

Rep. Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 289, relative to stumps, leaves, and yard waste. (Amendment printed SJ 20, 5/2/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 332-FN-A, relative to the collection and reclamation of motor vehicle wastes. (Amendment printed SJ 20, 5/2/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 516-FN, relative to illegal dumping of garbage. (Amendment printed SJ 20, 5/2/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 120-FN, increasing the amount available for suggestion and incentive awards to state employees. (Amendment printed SJ 21, 5/4/89)

Rep. Maurice MacDonald moved that the House concur.

Adopted.

HB 187-FN, relative to the rulemaking authority of the board of medicine. (Amendment printed SJ 19, 4/27/89)

Rep. Maurice MacDonald moved that the House concur.

Adopted.

HB 397-FN, relative to composition of the dental board. (Amendment printed SJ 20, 5/2/89)

Rep. Maurice MacDonald moved that the House concur.

Adopted.

HB 98-FN, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs. (Amendment printed SJ 19, 4/27/89)

Rep. Sochalski moved that the House concur.

Adopted.

HB 376-FN, licensing physician assistants. (Amendment printed SJ 21, 5/4/89)

Rep. Sochalski moved that the House concur.

Adopted.

HB 41, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors. (Amendment printed SJ 21, 5/4/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity. (Amendment printed SJ 21, 5/4/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 571-FN, establishing standards for mediators. (Amendment printed SJ 21, 5/4/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 584-FN, relative to bad checks. (Amendment printed SJ 21, 5/4/89)

Rep. Thomas Gage moved that the House concur.

Adopted.

HB 644-FN, enabling cities and towns to adopt an optional veterans exemption. (Amendment printed SJ 21, 5/4/89)

Rep. Grodin moved that the House concur.

Adopted.

HB 82-FN, relative to the police standards and training council. (Amendment printed SJ 20, 5/2/89)

Rep. Benton moved that the House concur.

Adopted.

HB 173-FN-A, relative to the dedication of the Hampton Beach lifeguard facility and making an appropriation therefor. (Amendment printed SJ 21, 5/4/89)

Rep. Phelps moved that the House concur.

Adopted.

HB 81-FN, relative to dam permitting authority. (Amendment printed SJ 19, 4/27/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 290-FN-A, to modernize the automation activities of the department of revenue administration and making an appropriation therefor. (Amendment printed SJ 19, 4/27/89)

Rep. Kidder moved that the House concur.

Adopted.

HB 608-FN, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities. (Amendment printed SJ 20, 5/2/89)

Rep. Rodeschin moved that the House concur.

Adopted.

HB 616-FN, relative to the public utilities commission. (Amendment printed SJ 21, 5/4/89)

Rep. Hatch moved that the House concur.

Adopted.

HB 147-FN, relative to commercial driver licensing. (Amendment printed SJ 21, 5/4/89)

Rep. Gordon moved that the House concur.

Adopted.

ENROLLED BILLS AMENDMENTS

SB 145-FN, to authorize municipalities to establish special revenue funds.

Amendment

Amend section 2 of the bill by replacing lines 2-3 with the following:

section 1-a the following new sections:

47:1-b Special Revenue Funds. Cities may, pursuant to RSA 47:1-d, vote to

Amend RSA 47:1-c, II as inserted by section 2 of the bill by replacing line 2 with the following:

47:1-b shall apply within the city on a date set by the city council.

This bill corrects an RSA section number and a cross reference.

Adopted.

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Contingency; Renumbering. If HB 207, "An act prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury" becomes law, RSA 486:38 as inserted by section 1 of this act shall be renumbered to read as 486:40. If any other act of the 1989 regular session of the general court which contains an amendment to RSA 486 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1989 session laws.

This amendment inserts a contingency provision in the bill granting the director of legislative services the authority to renumber RSA sections and make technical changes in numbering in any bill passed in the 1989 legislative session which inserts new sections in RSA 486.

Adopted.

HB 210-FN-A, relative to improvements in fire protection for the state house, phase II and III.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to improvements in fire protection for the state house,
phase II and III and making an appropriation therefor.

This enrolled bill amendment corrects the title of the bill.

Adopted.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 29, relative to liquor laws. (Amendment printed SJ 19, 4/27/89)

Rep. Simon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kelley, Klemm, Behrens and Lemire.

HB 764-FN-A, relative to state revenues and appropriations. (Amendment printed SJ 21, 5/4/89)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Palumbo, Hager, Gross and Densmore.

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursement. (Amendment printed SJ 22, 5/9/89)

Rep. Phelps yielded to questions and explained the bill.

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Kidder, Bardsley and Matson.

HB 327-FN-A, relative to the rate of the real estate transfer tax. (Amendment printed SJ 21, 5/4/89)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Ann Torr, Sallada and Blacketor.

HB 385-FN-A, making appropriations for vacation travel promotion and increasing the rate of the tobacco tax. (Amendment printed SJ 20, 5/2/89)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, Ahrens, Ann Torr and Densmore.

HB 100-A, making appropriations for capital improvements. (Amendment printed SJ 22, 5/9/89)

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Phelps, Burns, Marsh and Oleson.

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990 and June 30, 1991. (Amendment printed separately)

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Scamman, Kidder, Hager, Gross and Matson.

COMMITTEE REPORTS**(Regular Calendar)**

SB 23, relative to the executive director of the liquor commission. Ought to Pass.

The Committee reconvened the hearing to hear testimony from the sponsor and the policy committee. On the basis of the testimony the Committee recommends the bill be passed by a vote of 18-1. Rep. Caroline L. Gross for Appropriations.

Ordered to third reading.

CACR 1, relating to meetings of the general court. Providing that the general court shall meet biennially. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: CACR 1, if adopted by two-thirds of the voters in the next general election, would change Article 3, Part Second of the Constitution of New Hampshire so that the General Court would return to biennial sessions.

Research has been done by the Committee on Legislative Mileage costs, number of incumbents re-elected, length of special sessions, and the number of bills submitted during biennial and annual sessions. The statistics did not bear out that there was much difference in any of these except in the economic costs. Annual sessions are definitely more expensive.

However, there seemed to be many subjective factors that would lead one to feel biennial sessions are the best way for New Hampshire. To mention just a few of those: 1) the department heads spend an inordinate amount of time on legislative matters each and every year when they could be spending time running their departments more efficiently; 2) veteran legislators may not continue to serve if annual sessions are continued.

The General Court now is near finishing the fifth year in its attempt to make annual sessions work. It was the feeling of the Majority of the Committee that now is the time to return this issue to the voters and receive their evaluation. Vote 6-4. Rep. Matthew J. Locke for the Majority of Constitutional and Statutory Revision.

MINORITY: The Minority of the Committee believes that this question was amply understood by the voters in 1984 when they voted overwhelmingly to pass this amendment. It's clear that the voters support a true citizen legislature - a group of their peers representing their interests truly and well, on an annual basis. The Minority does not believe this question should be returned to the voters. Reps. Cynthia A. McGovern, Ellen C. Dube, Gary Gilmore and Mary Jenkins for the Minority of Constitutional and Statutory Revision.

Rep. Lawrence Chase requested a quorum count.

The Speaker declared a quorum present.

Reps. Lawrence Chase, Scott Green, Jacobson, Packard, Trombly, Reidy, and La-Mar spoke against the Committee report.

Reps. Holden and Powers spoke in favor of the report.

Rep. Gross requested a quorum count.

The Speaker declared a quorum present.

Rep. Gross spoke against the report and yielded to questions.

INTRODUCTION OF GUEST

Deputy Speaker Burns introduced Hon. Robert Harris from Windsor, Vermont, member of the Vermont House of Representatives.

Rep. Guay spoke in favor of the report and yielded to questions.

Reps. Chambers and McCain spoke against the report and yielded to questions.

(Speaker in the Chair)

Rep. Palumbo spoke in favor of the report and yielded to questions.

Rep. Phelps moved that debate be limited.

Adopted.

The constitutionally required roll resulted in:

YEAS 170

NAYS 177

YEAS 170

BELKNAP

Ballou, Richard A.
Locke, Matthew J.
Ziegra, Alice S.

Bolduc, Dennis R.
Pearson, Ralph W.

Holbrook, Robert G.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

CHESHIRE

Cole, Stacey W.
Hill, Douglas E.
Young, David A.

Gordon, Irvin H.
Laurent, John J.

Grodin, Richard A.
Perry, David M.

COOS

Brungot, Catherine V.
Horton, Lynn C.
Merrill, Gerald P.

Burns, Harold W.
Lemire, George
Theriault, Romeo J.

Guay, Lawrence J.
Marsh, Beaton

GRAFTON

Adams, Carl S.
Dow, David O.
Hill, Richard L.
Weymouth, Philip H.

Brown, Channing T.
Driscoll, William J.
Rose, William B.

Christy, C. Dana
Eno, Larry E.
Shackett, Ralph E.

HILLSBOROUGH

Alukonis, David J.
Beaupre, Roland O.
Bourque, Ann J.
Cox, Gladys M.
Domaingue, Jacquelyn M.
Dykstra, Leona
Foote, Herbert N., Sr.
Gureckis, Adam C., Sr.
Hultgren, David D.
Knight, Alice Tirrell
Lawrence, Norman B.
McNerney, Daniel P.
Morrisette, Roland A.
Perham, Lester R.
Riley, Frances L.

Amidon, Eleanor H.
Bicknell, Robert C.
Burkush, Peter A.
Desrochers, Gerard T.
Drolet, Paul L., Jr.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Healy, Daniel J.
Hunter, Bruce F.
Kurk, Neal M.
Mason, Howard F.
McRae, Karen
Ouellette, Robert O.
Prestipino, Bartolo V.
Sallada, Roland A.

Barry, William M.
Biondi, Christine A.
Cowenhoven, Garret P.
Desrosiers, William J.
Dyer, Merton S.
Fields, Dennis H.
Guilbert, Lionel
Holden, Carol H.
Keefe, Edmund M.
Lachut, Ervin R.
McCann, Bonnie Lou
Moore, Elizabeth A.
Pepino, Leo P.
Record, Alice B.
Schneiderat, Catherine A.

Steiner, Lee Anne S.
 Turgeon, Roland M.
 Wihby, Linda S.

Asplund, Bronwyn L.
 Hill, Michael
 Pfaff, Terence R.
 Shaw, Randall F.
 West, George M.

Anderson, Carl F., III
 Brown, Jeffrey M.
 Campbell, Eunice M.
 Drake, Herbert R.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Hoelzel, Kathleen M.
 Katsakiores, Phyllis M.
 MacDonald, Maurice B.
 McKinney, Betsy
 Raynowska, Bernard J.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Vartanian, Elsie
 Wells, Henry E.

Bernard, Mary E.
 Flynn, Edward J.
 Kincaid, William K.
 Musler, George T.
 Tsiros, William

Krueger, Richard H.
 Rodeschin, Beverly T.

Campbell, Richard H., Jr.
 Maviglio, Steven R.
 Richardson, Lawrence

Olimpio, J. Lisbeth

Barber, Robert E., Jr.
 Crutchley, Donald O.
 Foster, Katherine D.
 Matson, William R.
 Pearson, Gertrude B.
 Spear, Susan S.

Stiles, Walter A.
 Tyree, Paul M.
 Wright, George W.

MERRIMACK

Fraser, Leo W., Jr.
 Lewis, Mary Ann
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Campbell, Marilyn R.
 Dube, LeRoy S.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Johnson, Robert A.
 King, Roger C.
 Malcolm, Kenneth W.
 Palazzo, Frank J., Sr.
 Remick, Barbara R.
 Seward, Russell G.
 Stachowske, Vicki
 Warburton, Calvin
 Wright, David B.

STRAFFORD

Bickford, Drucilla
 Foss, Patricia H.
 Kinney, Paula J.
 Torr, Ann M.
 Young, John B.

SULLIVAN

MacAskill, Kenneth M.

NAYS 177

BELKNAP

Hardy, Earle D.
 Randall, Kenneth A.
 Turner, Robert H.

CARROLL

CHESHIRE

Blacketor, Paul G.
 Delano, Robert F.
 Hunt, John B.
 Miller, Jeffrey C.
 Pratt, Irene A.

Tarpley, Nancy L.
 Wheeler, David K.

Gilbreth, Robert M.
 Nichols, Avis B.
 Provencal, Leo A.
 Teague, Bert

Boucher, William P.
 Bucu, Stephen W.
 Cote, Patricia L.
 Felch, Charles H., Sr.
 Ford, Bert H.
 Haynes, Richard L.
 Katsakiores, George N.
 Klemm, Arthur P., Jr.
 McCarthy, John J., Jr.
 Palumbo, Vincent J., Jr.
 Schmidtchen, Rowland
 Simon, Peter M.
 Sytek, Donna P.
 Welch, David A.

Flynn, Anita A.
 Frechette, Roland A.
 Meserve, John H.
 Torr, Ralph W.

Middleton, John A.

Hawkins, Robert S.
 Rice, Thomas E. P., Jr.

Cole, Kenneth A.
 Doucette, Richard F.
 LaMar, David M.
 Morse, JoAnn T.
 Sawyer, Alfred P.

COOS

Buckley, C. Fitzgerald, III
Mayhew, Josephine
Woodburn, Jeffrey R.

Dumont, Robert E.
Nelson, Harold D.

Kilbride, Dennis J.
Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Chambers, Mary P.
Guest, Robert H.
Markley, J. Keith
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Copenhaver, Marion L.
LaMott, Paul I.
Nordgren, Sharon L.
Townsend, Howard C.

Bennett, Shirley M.
Densmore, Edward D.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Daigle, Robert A.
Drabinowicz, A. Theresa
Flood, Jacqueline J.
Genest, Fernand A.
Hall, Betty B.
Jenkins, Mary
King, John A.
Lown, Elizabeth D.
Messier, Irene M.
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Rheault, Lillian I.
Searles, Stanley N., Sr.
Toomey, Daniel
Young, Willard N.

Andrews, Frederick B.
Boucher, Lionel R.
Dodge, Emma M.
Dube, Ellen C.
Ford, Nancy M.
Goulet, Maurice E.
Jasper, Shawn N.
Johnson, Lionel W.
Lefebvre, Roland J.
Lozeau, DonnaLee M.
Murphy, Robert E.
Packard, Bonnie B.
Provost, Gilles R.
Robinson, Ellen-Ann
Smith, Leonard A.
Upton, Barbara A.

Baldizar, Barbara J.
Bowers, Dorothy C.
Donovan, Francis X.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Jean, Romeo W.
Kelley, Robert N.
Long, Linda D.
McDowell, James E.
Nardi, Theodora P.
Pappas, Toni
Reidy, Frank J.
Rodgers, G. Philip
Soucy, Lillian E.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Braiterman, Thea G.
Dunn, Miriam D.
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Soldati, Jennifer

Apple, Lowell D.
Beaton, Nancy C.
Carter, Susan D.
Fair, Patricia A.
Hager, Elizabeth
Jacobson, Alf E.
Lockwood, Robert A.
Trombly, Rick A.

Barberia, Richard A.
Boucher, Laurent J.
Daneault, Gabriel
Fillion, Paul R.
Hall, Douglas E.
Johnson, C. William
Pantzer, Eugene E.
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
Conroy, Janet M.
Flanagan, Natalie S.
Hoar, John, Jr.
Lovejoy, Virginia K.
McCain, William F.
Pantelakos, Laura C.
Rosencrantz, James R.
Skinner, Patricia M.

Caswell, Albert, Jr.
Cooke, Annette M.
Gage, Beverly A.
Hollingworth, Beverly A.
Mace, Ada L.
McGovern, Cynthia A.
Parsons, Robert F.
Sanderson, Patricia O.
Vaughn, Charles L.

Chase, Lawrence A., Jr.
Fesh, Robert M.
Greene, Elizabeth A.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
Micklon, Stephanie K.
Ritzo, Eugene
Sherburne, John L.

STRAFFORD

Appleby, James E.	Brown, Julie M.	Burton, Wayne M.
Callaghan, Robert J.	Dionne, Albert J.	Gilmore, Gary R.
Keans, Sandra B.	Marston, Robert E.	Martling, W. Kent
Merrill, Amanda A.	O'Brien, John	Parks, Joe B.
Pelley, Janet R.	Scharff, Thomas E.	Spencer, Leo J.
Stewart, Glenn W.	Sullivan, Henry P.	Swope, Warren L.
Vincent, Francis C.	Wall, Janet G.	Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.	Brodeur, Robert J.	Burling, Peter Hoe
Domini, Irene C.	Flint, Gordon B.	Harland, Jane A.
Hinrichsen, Keith L.	Peyron, Fredrik	Schotanus, Merle W.

lacking the necessary two-thirds the Constitutional Amendment Concurrent Resolution lost.

Rep. Brady wished to be recorded in favor of CACR 1.

Rep. Blacketor moved that the remarks of Rep. Gross be printed in the House Record.

Adopted.

Remarks of Rep. Gross:

Mr. Speaker, I rise in favor of annual sessions and in opposition to the Committee Report of Ought to Pass, and before I speak, I would like please to request a quorum call.

I am in favor of annual sessions; I am opposed to putting the question on the ballot at this time, and I want to talk to you about why I feel this way. It has nothing to do with this session; it has nothing to do with who is Governor or who is running for Governor; it has nothing to do with who is Speaker or who is running for Speaker. It has to do with our history and with what this Legislature is.

This is the first time and probably the last time that I will speak to you this session on anything that isn't either directly or indirectly related to the duties of the Appropriations Committee. I speak to you today because I feel this is the most important thing we are going to vote on this session. And in between my duties on the Appropriations Committee and my duties with the budget and my duties with your legislative specials, I have been thinking about this and writing this speech, and rewriting it, and last night after the Appropriations Committee party, I went home and rewrote it again. And I think this is what I want to say to you.

I'm going to talk to you about our history as a legislature. And I don't have the words that Representative Benton had and Representative Chase had when they talked to you about history, but to me the history of this state and the role that ordinary people play in it are the most important part of our joint heritage.

In the early days of this country and of this state, and indeed in the beginning, they were almost the same. The legislative branch - the Legislature - was the most powerful and the most important part of state government. The basic force behind the American Revolution was representatives of the people, baby legislatures gathering together. The slogan of our American Revolution, "no taxation without representation," has to do with legislatures. They had to do in those days what we do now. Our state was established as early as any - with a strong legislature and a weak governor. That was our basic pattern. It took almost 100 years before we trusted our governor enough so that we would give him a two-year term instead of a one-year term. Until

the magic year of 1877 that Representative LaMar just mentioned, we elected our governor every year. We wanted to keep our eye on him every single minute of the time.

We have to this day refused to give governors a four-year term. It has been offered to us as a choice, and time after time we say two years is enough; we want to keep our eye on you. We are the only surviving state that has retained an executive council, which is a check on the governor within the executive branch, and in addition to the checks we provide for the legislative and judicial branches, we keep an eye on our governors. We always have. We believe in a strong legislature.

We have kept, in the face of criticism, a large House of Representatives. People have said there are too many of us; people have said we cost too much; people have said we don't know what we're doing. And every time the question has been raised, "Shall we cut the size of the House?" the Legislature, the Constitutional Convention, and the people have said no, we believe in a strong representative of the people. Ladies and gentlemen, we always have.

And, until very modern times, we have kept not only a strong legislature, but a legislature that could meet to do the people's business whenever the legislature, and not somebody else, thought it was the right and proper thing for the legislature to do. Does what I just said surprise you? Do you believe, like I did until I looked it up that in 1877 when we went to our Constitution and substituted the word "biennially" for the word "annually," do you believe that when we did that we were going from annual to biennial sessions? I believed that until I looked it up. And I was wrong. That's not what we did at all.

Biennial sessions as we understand them are a modern and unsuccessful invention that came into effect in 1960, the year I got married. That may be history, but it's not ancient history! It is a modern thing that happened in modern times. And, when these biennial sessions came into effect, they weren't the result of reasoned debate on constitutional principles in the way that we understand that debate. What happened was that the Con Con reconvened from 1956, and the legislature of 1959, which stayed perhaps a bit too late, got into a fight over money, and the Legislature said to the Con Con, "If you want to come back, we're not going to give you any money." And the Con Con said to the legislature, "We're not going to give you any money either." So the Con Con put on the ballot in 1960 the following very reasoned principled constitutional question that said: "Are you in favor of shutting off the mileage of the Legislature on July 1?" That was the constitutional principle that the people adopted in 1960.

The people put up with it for six years. The history of this legislature, the history of this state, has a strong and free legislature until 1960. And in 1966, the people realized they had made a mistake.

And in 1966, the people, the first time they were asked, passed annual sessions.

Nothing ever works out quite right. The Concord Monitor in 1966, which was in favor of annual sessions, didn't like the way the 1966 question was worded, so they took it to court. And the court ruled the question wasn't worded right, and they threw out annual sessions. And from 1966 until 1984 when the question was worded right and the extraordinary majority needed to pass it again went through, we put the question of annual sessions on the ballot again and again and again. And every time the people passed it, but they didn't quite pass it by the required extraordinary majority.

And in the meantime, the people put up with biennial sessions. They put up with what was put into law in 1960 and which they admitted was a mistake in 1966. And I will tell you that what people call the costs of this legislature are not the things that were passed to try and make annual sessions work; they were the things that the Legislature passed after 1966 when they were struggling to make biennial sessions work; those were the things that cost money!

That's when we went to the electronic roll call system that cost money, to save the time that it took to do a 45-minute roll call representative by representative. That's when we bought the Legislative Office Building, and when we paid the money to refurbish the LOB, and when legislators were screaming in the halls about what kind of chairs should go in the LOB, that's the money we spent to make the Legislature work. And when we put in a permanent legislative budget office with people that worked 24 months in the biennium, it wasn't under annual sessions; it was under biennial sessions, and we needed that to make biennial sessions work. And when we established a permanent and separate Office of Legislative Services, it wasn't under annual sessions; we did it under biennial sessions, and we did it because it wouldn't work if we didn't have it. And when we got the first permanent committee staff, it was under biennial sessions. We paid people for two years because to get good people, we had to pay them for two years to make those six months work.

Ladies and gentlemen, when we are asked to go back to biennial sessions, we are asked not to go back to a tradition that was blessed by history and supported by the people; we are asked to go back to something that didn't work! Nobody says annual sessions is perfect, but it's ours. If we don't like the way it works, we can fix it. It is up to us. We have the option to come here once each year.

In 1877, when they amended the Constitution and substituted the word biennial for annual, they didn't have a Red Book. Here is the first Red Book ever published in the state of New Hampshire. It's dated 1889, and I'm going to read you Part 2, Article 3 of the Constitution in 1889. It talked about the legislature, and it said: "The Senate and the House shall assemble biennially on the first Wednesday of January and at such other times as they may judge necessary; and shall dissolve and be as dissolved seven days next proceeding the said first Wednesday of January biennially and shall be styled the General Court of the State of New Hampshire."

Ladies and gentlemen, after the change in 1877, we met when we thought we ought to meet. We did what we thought was right, and when we were finished, we went home.

Here is the Red Book from 1959. It says the same thing. Part 2, Article 3 in 1959 says we shall meet biennially, but we may meet at such other times as we think are necessary and proper.

The July 1 cutoff of mileage is what made biennial sessions in 1960. It wasn't the best way to do it. It certainly wasn't phrased in constitutional language, but it sent the legislature home on July 1. I think we can live with that. But I do not think that, as the inheritors of a long tradition, when the legislature was proud and independent and free, we can say we agree on behalf of the people we represent, if not of ourselves, that we can come here for six months every two years automatically without question and be done with it, unless somebody else - unless the governor - decides to call us back in special session.

Ladies and gentlemen, we have a long history of being the representatives of the people. It is our job to make that work. I would suggest to you that we should make it

work and that we should not let somebody else decide when we are going to come and what we are going to do. Thank you for your attention.

Question: You are the newest member of the legislative Fiscal Committee, and you come before this House today not in support of biennial sessions but in support of annual sessions. Will you speak briefly on why you would not want the power that biennial sessions would give you on the Fiscal Committee?

Rep. Gross: As the newest member of the Fiscal Committee and as the House sponsor of the bill that gave the Senate equal representation on the Fiscal Committee, I believe there is a role for the Fiscal Committee. But I believe that that role should be performed only when there is no other choice. When you ask me what I would choose, I would say every single time I would rather have the people in this room make the choice for the state of New Hampshire, and I would say that I would prefer for the Fiscal Committee to have only those things that are left over.

Question: Rep. Gross would you believe that I was one of those, along with many, who were published in the Union Leader for having voted for annual sessions the last time? And would you also believe that they were out to try to get those who voted for annual sessions out of public office? Would you also believe that I have four waiting in the wings to take my position when I'm ready to give it up, and that I got back with a tremendous vote from the people back home. Those that voted for annual sessions must have been doing something right, wouldn't you believe?

Rep. Gross: Representative, I will tell you a story that I hope will convince you that you are lucky.

In the first Red Book for 1889, there is listed for every member of the House, and every member of the Senate, the place where they stayed when the Legislature was in session. Railroads changed the way the Legislature worked. And so, in 1888, in addition to setting a salary of two hundred dollars for the Legislature by constitutional amendment, which in those days was a lot of money, they also listed where everyone stayed. The President of the Senate in 1888, stayed at the Eagle Hotel. The Speaker of the House, in 1888, stayed at the old Phenix Hotel. The Representative of the Manchester Union, who could have taken the train down home every night, also stayed at the Phenix Hotel so he could keep an eye on the Speaker.

COMMITTEE OF CONFERENCE REPORT

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate.

The Committee of Conference Report reflects Senate acceptance of the entire House amendment package except for one paragraph. That paragraph contained a serious error in drafting, erased permits now in place and enacted a date change which unintentionally called for retroactive application of the permit program. The Report contains the Senate version of the same paragraph. It corrects the drafting error while clearing up the legal problems inadvertently caused by that paragraph in the House amendment.

Rep. Elizabeth A. Greene

Rep. Palumbo moved that SB 67 be made a Special Order for May 16, 1989.
Adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, May 16 at 1:00 p.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 23, relative to the executive director of the liquor commission.

Rep. Palumbo moved that the House stand in recess for the purpose of establishing Committees of Conference only.

Adopted.

The House recessed at 1:25 p.m.

RECESS

(Rep. Phelps in the Chair)

SENATE MESSAGE

REQUESTS CONCURRENCE

SB 144-FN, relative to blood alcohol tests.

Rep. Ward offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 144 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILL

First, second reading referral

SB 144, relative to blood alcohol tests. (Judiciary)

SENATE MESSAGES

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 42, relative to actuarial review of rate filings. (Amendment printed SJ 22, 5/9/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Fraser, Christy, Palumbo and Tsiros.

HB 434-FN-A, relative to franchising and regulation of cable television systems and making an appropriation therefor. (Amendment printed SJ 21, 5/4/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pantzer, Steiner, Drolet and Tsiros.

HB 117-FN, relative to feeding garbage to swine. (Amendment printed SJ 19, 4/27/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Teschner, Trombly and Marilyn Campbell.

HB 146-FN, relative to the milk standard. (Amendment printed SJ 19, 4/27/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Elizabeth Greene, Teschner, Trombly and Millard.

HB 50, exempting the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services. (Amendment printed SJ 20, 5/2/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Maurice MacDonald, Drabinowicz, Upton and Phyllis Katsakiores.

HB 101-FN, relative to budgetary transfer authority of the department of health and human services. (Amendment printed SJ 22, 5/9/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Hager, Robinson, Sanderson and Douglas Hall.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robinson, Hager, Douglas Hall and Sanderson.

HB 502, relative to disclosure of mental health information. (Amendment printed SJ 18, 4/20/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sochalski, Robert Foster, Bennett and Nardi.

HB 578-FN, relative to victims' assistance and compensation. (Amendment printed SJ 22, 5/9/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Thomas Gage, Ward, Martling and Spencer.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games. (Amendment printed SJ 20, 5/2/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Simon, Horton, Palazzo and Carolyn Hynes.

HB 693-FN, relative to the leasing of submerged tidal lands. (Amendment printed SJ 22, 5/9/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Wall, Lewis and Wiggin.

HB 270-FN-A, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor. (Amendment printed SJ 19, 4/27/89)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Gordon, Haynes, Palumbo and Nelson.

Rep. Sallada moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 26

Tuesday, May 16, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain .

Gracious God, while there is much yet to be done, we pause and recognize how much has been accomplished. We have debated and deliberated endlessly. We have been praised and criticized. We have been understood and misrepresented. We have labored hard, have been touched by moments of inspiration, and times of dull routine.

As we come to the end of this term, we give you thanks for those who quietly support us in our work - for clerks and scribes and typists and printers, for security and services, those who prepare for us and who clean up after us. We thank you for those who are leaders and those who are followers.

Abide with us, Holy One, as we weave together the loose ends and prepare to bring down the curtain. Amen.

Rep. Simon led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Janet Barry, Ann Derosier, Julie Brown, Daniel Eaton and Sochalski, the day, illness.

Reps. Trombly, Jasper, Gordon Flint, Parr, Tufts, Splaine, Bucu, McKinney, Gerald Smith, Mayhew and Beaupre, the day important business.

Reps. Joseph MacDonald, Roulston, Rice, and Hynes, the day, illness in the family.

INTRODUCTION OF GUESTS

Allen Wiggin, son of Rep. Wiggin; Donald and Florence Senter, husband and mother-in-law of Rep. Senter; former Rep. Wayne Spear, husband of Rep. Spear; Mary Ann Foster, wife, and Lib Becket, guest, of Rep. Robert Foster; the ninth grade from Farmington Middle School, guests of Rep. Tsiros; Barbara Turner of St. Petersburg, FL, sister of Rep. MacKinnon; Adrienne Theriault, daughter of Rep. Theriault; Silas Bell, husband of Rep. Bell; Wyckham Christie and Heather Brodie Avery, daughters, A.D. Copesakes, Chief Convene of St. Andrews Society of New Hampshire, Andy Melvill, President of the New Hampshire Gathering of Scottish Clans, Kathleen Perry and Louis Huggins, guests of Rep. Avery.

In honor of Scottish Heritage Week, Rep. Avery introduced Jay Conant of Hampton, Sandy MacDonald of Portsmouth and Sarah Troutman of Portsmouth.

Messrs. Conant and MacDonald entertained the House with bagpipe music. Ms. Troutman performed the Sword Dance and the Highland Fling.

SENATE MESSAGES**CONCURRENCE**

HB 77-FN, relative to the pharmacy board.

HB 87-FN, relative to group II accidental disability allowances.

HB 353, prohibiting the use and operation of ski craft or hovercraft on Canaan Street Lake in the town of Canaan.

HB 428, regarding the licensing of morticians.

HB 726, relative to bylaws which regulate electioneering.

CONCURRENCE WITH AMENDMENTS

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark.

SB 9, to clarify how to designate highways to summer cottages.

SB 16, relative to post-termination commissions paid to sales representatives.

SB 21-FN, establishing authority for revolving funds for publications and training in the office of state planning.

SB 43-FN, relative to licensing engineers, architects, and land surveyors.

SB 44-FN, requiring the superior court to adjudicate paternity in certain contested cases.

SB 60, relating to recording dock permits.

SB 107, relative to the right to know law.

SB 110, relative to joint and several liability and to pollution liability.

SB 156-FN, relative to refuse disposal.

SB 171-FN, relative to revenue distribution.

SB 180, relative to abandoned vehicles.

NONCONCURRENCE

CACR 5, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court.

HB 67, specifying the rulemaking authority of the commissioner and the directors of the department of environmental services.

HB 593-FN, relative to collective bargaining.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 100-A, making appropriations for capital improvements.

The President appointed Sens. Torr, Charbonneau, Nelson, and alternates Preston and Roberge.

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991.

The President appointed Sens. Bartlett, Blaisdell, Hough and alternates, Dupont and Torr.

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover.

The President appointed Sens. McLane, Bond and Krasker.

HB 222, limiting horsepower of motors on Indian Pond in the town of Orford.

The President appointed Sens. Bond, Currier, and St. Jean.

HB 629-FN, relative to gravesites.

The President appointed Sens. Charbonneau, Heath and Krasker.

HB 650-FN, relative to removing tax collectors.

The President appointed Sens. Charbonneau, Heath and King.

HB 502, relative to disclosure of mental health information.

The President appointed Sens. Krasker, Bond and Dupont.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 45, to increase the age limit relative to the motor vehicle child restraint requirement. (Amendment printed SJ 12, 3/24/89)

Rep. Bean moved that the House concur.

Adopted.

HB 251-FN-A, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Fraser moved that the House concur.

Adopted.

HB 300-FN-A, relative to studying access to medical care for persons without health insurance and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Fraser moved that the House concur.

Adopted.

HB 433-FN-A, relative to a pool for environmental liability insurance and making an appropriation therefor. (Amendment printed SJ 21, 5/4/89)

Rep. Fraser moved that the House concur.

Adopted.

HB 503, relative to business and voluntary corporations. (Amendment printed SJ 22, 5/9/89)

Rep. Fraser moved that the House concur.

Adopted.

HB 475, requiring the full legal name of persons on ballots and on checklists. (Amendment printed SJ 22, 5/9/89)

Rep. Flanagan moved that the House concur.

Adopted.

HB 410-FN-A, relative to nursing scholarships and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 56-FN-A, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor. (Amendment printed SJ 21, 5/4/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

(Speaker in the Chair)

HB 486, relative to clearing land and cutting timber. (Amendment printed SJ 20, 5/2/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 606-FN, relative to approvable plans for solid waste management districts. (Amendment printed SJ 22, 5/9/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 722-FN, regarding solid waste management districts. (Amendment printed SJ 22, 5/9/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 39, relative to the distribution of OHRV fees. (Amendment printed SJ 20, 5/2/89)

Rep. Powers moved that the House concur.

Adopted.

(Rep. Chambers in the Chair)

HB 595-FN, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system. (Amendment printed SJ 22, 5/9/89)

Rep. Gerard Powers moved that the House concur.

Adopted.

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Sochalski moved that the House concur.

Adopted.

HB 429-FN-A, relative to Medicaid expansion for low-income pregnant women and establishing a task force on low provider participation in Medicaid. (Amendment printed SJ 22, 5/9/89)

Rep. Sochalski moved that the House concur.

Adopted.

HB 681-FN, relative to workers' compensation. (Amendment printed SJ 22, 5/9/89)

Rep. Hawkins moved that the House concur.

Adopted.

HB 661-FN, relative to notification to downstream municipalities concerning effluent discharges. (Amendment printed SJ 22, 5/9/89)

Rep. Dickinson moved that the House concur.

Adopted.

HB 103-FN, relative to motor vehicle laws. (Amendment printed SJ 21, 5/4/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 111, relative to moorings. (Amendment printed SJ 19, 4/27/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 177, authorizing local authorities to reduce the speed limit in business and urban residence districts. (Amendment printed SJ 18, 4/20/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 587-FN, relative to license plates and decals for relatives of handicapped persons. (Amendment printed SJ 20, 5/2/89)

Rep. Gordon moved that the House concur.

Rep. Lawrence Chase spoke against the motion.

Reps. Gordon and Hoar spoke in favor of the motion.

A division was called for.

203 members having voted in the affirmative, 114 in the negative, the motion was adopted.

Rep. Hoar wished to be recorded in favor of the motion.

ENROLLED BILLS AMENDMENTS

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to minor mothers and their infants.

This amendment corrects the title of the bill.

Adopted.

HB 239, relative to legalizing town meetings.

Amendment

Amend the introductory paragraph of RSA 31:5-b, II as inserted by section 1 of the bill by replacing line 9 with the following:

of notice, vote, hearing, or wording, *or with any procedural act not contrary*

This amendment clarifies the meaning of a phrase within section 1.

Adopted.

HB 305-FN, amending the 10-year highway plan.

Amendment

Amend the bill by replacing line 1 of section 1 with the following:

1 New Subparagraph; Addition to 10-Year Highway Plan. Amend 1986,

Amend the bill by replacing line 3 of section 1 with the following:
the following new subparagraph:

This amendment makes a technical correction in the amending language which resulted when an amendment to the bill was ruled divisible and subsequently only a portion of the amendment was adopted.

Adopted.

HB 699, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence.

Amendment

Amend RSA 651:2, II-f as inserted by section 2 of the bill by replacing line 2 with the following:

sentenced as provided in RSA 159:3-a, II and III.

This amendment clarifies a sentence in section 2 by inserting the word "provided".

Adopted.

HB 737-FN, amending the joint state-capitol city planning commission.

Amendment

Amend 1965, 345:2-a as inserted by section 3 of the bill by replacing line 2 with the following:

30 days after the effective date of this section. At the first meeting the

This amendment corrects a reference in section 3 of the bill.

Adopted.

HB 752-FN, relative to domestic violence.

Amendment

Amend RSA 173-B:6, III as inserted by section 9 of the bill by replacing line 3 with the following:

of [welfare] *human services* when in the best interest of a child[.];

Amend RSA 173-B:8, I(a) as inserted by section 11 of the bill by replacing line 8 with the following:

committed in the presence of a peace officer.

This amendment corrects references in the bill.

Adopted.

HB 755-FN, establishing a committee to study shoreline protection.

Amendment

Amend subparagraph I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) One member nominated by the river management advisory committee, as established in RSA 227-F:8.

This amendment corrects a citation.

Adopted.

SB 60, relating to recording dock permits.

Amendment

Amend the bill by replacing section 2 with the following:

2 Contingent Provision. If SB 22 of the 1989 legislative session, "An Act relative to certain forestry activities in wetlands", becomes law, RSA 483-A:1, V as inserted by section 1 of this act shall be renumbered to read as RSA 483-A:1, VI.

3 Effective Date. This act shall take effect 60 days after its passage.

This amendment adds a contingent provision to renumber RSA 483-A:1, V as inserted by this act to avoid duplicating that paragraph number, if SB 22 is enacted into law.

Adopted.

SB 64-FN, relative to asbestos management penalties.

Amendment

Amend section 1 of the bill by inserting after line 2 the following:

141-E:15 Criminal Penalty; Fine.

Amend RSA 141-E:15, II as inserted by section 1 of the bill by replacing line 4 with the following:

rule adopted under this chapter. Each day of violation shall constitute

This amendment corrects a typographical error and inserts a missing section heading.

Adopted.

SENATE MESSAGES

ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 371, relative to licensing respiratory care practitioners and making an appropriation therefor.

The President appointed Sens. Freese, Johnson and Stephen.

HB 693, relative to the leasing of submerged tidal lands.

The President appointed Sens. Heath, King and Johnson.

HB 117, relative to feeding garbage to swine.

The President appointed Sens. Currier, Bass and Krasker.

HB 50, exempting the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services.

The President appointed Sens. St. Jean, Dupont and Podles.

HB 101, relative to budgetary transfer authority of the department of health and human services.

The President appointed Sens. Hough, St. Jean and Dupont.

HB 42, relative to actuarial review of rate filings.

The President appointed Sens. Freese, Roberge and Blaisdell.

HB 262-FN, extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.

The President appointed Sens. Roberge, Disnard and Podles.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 118-FN, relative to collision damage waiver.

CONCURRENCE

SB 50, relative to measuring liquid hazardous waste.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations; increasing the penalty for reckless driving; and relative to driver's license fees.

SB 147, relative to waiting lists for developmentally disabled persons.

SB 99, supplementing the funding for programs which assist victims of domestic violence.

SB 86, prohibiting power boats and ski craft on Wilson Lake.

SB 177, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 146, relative to the milk standard.

The President appointed Sens. Bass, Currier and Preston.

HB 270-FN, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor.

The President appointed Sens. Johnson, King and Currier.

HB 764-FN-A, relative to state revenues and appropriations.

The President appointed Sens. Roberge, Dupont and Blaisdell.

HB 327-FN-A, relative to the rate of the real estate transfer tax.

The President appointed Sens. Roberge, Bartlett and Blaisdell.

HB 385-FN-A, to tax all forms of tobacco.

The President appointed Sens. Dupont, McLane and Blaisdell.

HB 578, relative to victim's assistance and compensation.

The President appointed Sens. Podles, Preston and Bartlett.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games.

The President appointed Sens. Roberge, Stephen and McLane.

HB 658-FN, establishing a committee to study the laws relative to depositions.

The President appointed Sens. Podles, Bass and Nelson.

HB 677, relative to modification of child support guidelines.

The President appointed Sens. Podles, Roberge Nelson.

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculations of flood control reimbursements.

The President appointed Sens. Currier, Bass and King.

HB 29, relative to liquor laws.

The President appointed Sens. Roberge, Currier and Stephen.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 135-FN, relative to school administration. (Amendment printed SJ 15, 4/12/89)
Rep. Skinner moved that the House nonconcur and explained her motion.
Adopted.

NONCONCURRENCE WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 58, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge.

The President appointed Sens. Torr, Charbonneau and Nelson.

Rep. Phelps moved that the House refuse to accede and spoke to his motion.

Adopted.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 260, relative to distribution of catastrophic aid. (Amendment printed SJ 23, 5/11/89)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Kidder, Hager and Guest.

HB 374, relative to the Head Start program and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Bolduc, Robinson and Spencer.

HB 273, authorizing the transfer of sick and annual leave and longevity credit for certain state employees. (Amendment printed SJ 23, 5/11/89)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Powers, Kidder, Palumbo and John King.

HB 594, to reinstate medical and surgical benefits for certain retired employees. (Amendment printed SJ 21, 5/4/89)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Ward and Richardson.

HB 613, relative to the method for granting supplemental allowances to New Hampshire retirement system members. (Amendment printed SJ 23, 5/11/89)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Ward and Richardson.

HB 654, creating a committee to study what organizations may participate in the New Hampshire retirement system. (Amendment printed SJ 23, 5/11/89)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Powers, Kenneth MacDonald, Ward and Dunn.

HB 710, regulating the use of social security numbers by the department of safety. (Amendment printed SJ 20, 5/2/89)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Emerton, Record, Klemarczyk and Donovan.

HB 582, relative to a committee to review surface water use restrictions on the public waters of the state.. (Amendment printed SJ 21, 5/4/89)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. John Young, Stacey Cole, Maviglio and Stio.

**NONCONCURRENCE WITH AMENDMENTS
REQUESTS COMMITTEE OF CONFERENCE**

SB 203, relative to employing minors enrolled in school.

The President appointed Sens. Disnard, Charbonneau and Nelson.

Rep. Skinner moved that the House accede.

Adopted.

The Speaker appointed Reps. Bolduc, Domaingue, Guest and Larson.

SB 51, relative to the Christa McAuliffe planetarium.

The President appointed Sens. Heath, McLane and Preston.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Fillion, Townsend, Sallada and Drabinowicz.

SB 113, relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor.

The President appointed Sens. Podles, Charbonneau and St. Jean.

Rep. Pappas moved that the House accede.

Adopted.

The Speaker appointed Reps. Pappas, Frank, Douglas Hall and Appleby.

SB 105, making an appropriation for improving electrical service at Weeks state park in Lancaster.

The President appointed Sens. Blaisdell, Dupont and St. Jean.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Phelps, Stio, Horton and Frechette.

SB 65, establishing a committee to study mental health insurance benefits.

The President appointed Sens. Delahunty, Charbonneau and Blaisdell.

Rep. Fraser moved that the House accede.

Adopted.

The Speaker appointed Reps. Fraser, Packard, Richard Hill and Arnesen.

SB 66, relative to regulation of transporters of solid waste.

The President appointed Sens. Heath, Bond and Stephen.

Rep. Elizabeth Greene moved that the House accede.

Adopted.

The Speaker appointed Reps. Teschner, Trombly, Bonnie McCann and Musler.

SB 87, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease.

The President appointed Sens. Krasker, Preston and Charbonneau.

Rep. Pappas moved that the House accede.

Adopted.

The Speaker appointed Reps. Parks, Bennett, Katherine Foster and Knight.

SB 191, relative to telecommunications devices for the deaf.

The President appointed Sens. Heath, Johnson and Nelson.

Rep. Pappas moved that the House accede.

Adopted.

The Speaker appointed Reps. Copenhagen, Katherine Wheeler, Amidon and Hager.

SB 27, relative to the liability of landowners for pollutant clean-up.

The President appointed Sens. Bond, Bass and Preston.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Martling, Thomas Gage, Kurk and Spear.

SB 52, relative to drug paraphernalia.

The President appointed Sens. Podles, Nelson and Charbonneau.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Jasper, Lozeau, Record and Robert Murphy.

SB 76, establishing a committee to study durable powers of attorney for health care.

The President appointed Sens. Podles, Roberge and Preston.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Lown, Record, Keans and Burling.

SB 97, relative to the distribution of drug forfeiture money.

The President appointed Sens. St. Jean, Bartlett and Podles.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. C. William Johnson, Chandler, Sallada and Hollingworth.

SB 196, relative to bail reform.

The President appointed Sens. Podles, Charbonneau and Nelson.

Rep. Thomas Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Thomas Gage, Martling, Jasper and Stamatakis.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

The President appointed Sens. Charbonneau, Johnson and Preston.

Rep. Grodin moved that the House accede.

Adopted.

The Speaker appointed Reps. Grodin, Roger King, Wadsworth and Soucy.

SB 24, relative to liquor store displays and promotions.

The President appointed Sens. Freese, Bartlett and Stephen.

Rep. Simon moved that the House accede.

Adopted.

The Speaker appointed Reps. Kelley, Behrens, Phelps and Lemire.

SB 73, establishing a committee to study taxing all tobacco products.

The President appointed Sens. Bartlett, McLane and Stephen.

Rep. Simon moved that the House accede.

Adopted.

The Speaker appointed Reps. Simon, Palazzo, Stachowske and Morrissette.

SB 94, authorizing the sale of liquor and beverages in additional areas under a liquor license.

The President appointed Sens. Freese, Delahunty and Disnard.

Rep. Simon moved that the House accede.

Adopted.

The Speaker appointed Reps. Simon, McKinney, Klemm and Lemire.

SB 71, authorizing the removal of a boat and mooring under certain circumstances.

The President appointed Sens. Heath, Stephen and Bond.

Rep. Stacey Cole moved that the House accede.

Adopted.

The Speaker appointed Reps. Dickinson, John Young, Drake and Blanchard.

ENROLLED BILLS AMENDMENTS

HB 571-FN, establishing standards for mediators.

Amendment

Amend the bill by replacing line 5 in section 3 with the following:

rules will be in effect no later than January 1, 1990.

This amendment makes a technical correction.

Adopted.

HB 509-FN, authorizing industrial development financing for the Manchester Airport.

Amendment

Amend paragraph II of section 9 of the bill by replacing lines 1-5 with the following:

II. If any provisions of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provisions or applications, and to this end provisions of this act are severable.

This amendment corrects a technical reference error.

Adopted.

HB 289, relative to stumps, leaves, and yard waste.

Amendment

Amend the bill by replacing line 1 in section 1 with the following:

1 Change Definition. Amend RSA 149-M:1, XVII-a to read as follows:

This amendment makes a technical correction in an RSA number.

Adopted.

HB 376-FN, licensing physician assistants.

Amendment

Amend RSA 328-C:6 as inserted by section 1 of the bill by replacing line 7 with the following:

direction and supervision of a physician licensed under RSA 329. Reasonable

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingent Reference Change. If HB 571-FN of the 1989 regular session of the general court becomes law, all references to RSA 328-C in this act shall be changed to refer to RSA 328-D.

This amendment corrects a typographical error and also inserts a contingency provision regarding RSA numbering in the bill.

Adopted.

HB 531-FN, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places.

Amendment

Amend RSA 21-J:8, I(c) as inserted by section 1 of the bill by replacing line 2 with the following:

[taxes] *tax* for unincorporated [places] *towns* and unorganized [towns] *places* under RSA

Amend the introductory paragraph of RSA 79-A:7, II as inserted by section 6 of the bill by replacing line 3 with the following:

located. *If the property is located in an unincorporated town or unorganized*

Amend RSA 673:13, III as inserted by section 11 of the bill by replacing line 1 with the following:

III. The appointing authority or the planning board shall file with

Amend section 25 of the bill by replacing line 1 with the following:

25 Method of Enactment; Unincorporated Towns and Unorganized Places. Amend RSA 675:2, I to

Amend RSA 149-M:14 as inserted by section 32 of the bill by replacing line 1 with the following:

149-M:14 Unincorporated Towns and Unorganized Places. For each

This amendment corrects an error in terminology by inserting the phrase “unincorporated towns and unorganized places” as needed. The amendment also corrects a typographical error.

Adopted.

HB 651-FN, relative to adoption fees and information about birthparents.

Amendment

Amend RSA 170-B:18, I as inserted by section 2 of the bill by replacing lines 4 and 5 with the following:

bureau of vital records and health statistics, division of public health services, shall provide suitable forms for such reports.

This amendment corrects the terminology of a state agency in a cross reference.

Adopted.

The Speaker called for the Special Order.

COMMITTEE OF CONFERENCE REPORT

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate.

The Committee of Conference Report reflects Senate acceptance of the entire House amendment package except for one paragraph. That paragraph contained a serious error in drafting, erased permits now in place and enacted a date change

which unintentionally called for retroactive application of the permit program. The report contains the Senate version of the same paragraph. It corrects the drafting error while clearing up the legal problems inadvertently caused by that paragraph in the House amendment.

Rep. Elizabeth A. Greene

Rep. Elizabeth Greene requested a quorum count. The Speaker declared a quorum present.

(Speaker in the Chair)

Reps. Elizabeth Greene, Grodin and Stacey Cole spoke in favor of the report and yielded to questions.

Rep. Betty Hall and Sherburne spoke against the report and yielded to questions.

Rep. Burton requested a quorum count. The Speaker declared a quorum present.

Rep. Burton spoke against the report and yielded to questions.

Rep. Palumbo spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 158

NAYS 181

YEAS 158

BELKNAP

Bolduc, Dennis R.
Locke, Matthew J.
White, James J.

Hardy, Earle D.
Randall, Kenneth A.

Holbrook, Robert G.
Rosen, Ralph J.

CARROLL

Chandler, Gene G.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Grodin, Richard A.
Laurent, John J.
Sawyer, Alfred P.

Blacketor, Paul G.
Delano, Robert F.
Hill, Douglas E.
Morse, JoAnn T.

Cole, Stacey W.
Gordon, Irvin H.
Hunt, John B.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Nelson, Harold D.
Woodburn, Jeffrey R.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

GRAFTON

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
Rose, William B.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
LaMott, Paul I.
Townsend, Howard C.

Brown, Channing T.
Dow, David O.
Markley, J. Keith
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Boucher, Lionel R.
Cowenhoven, Garret P.
Desrosiers, William J.

Alukonis, David J.
Bowers, Dorothy C.
Culbert, Patrick
Dodge, Emma M.

Bicknell, Robert C.
Burkush, Peter A.
Desrochers, Gerard T.
Emerton, Lawrence A., Sr.

Fields, Dennis H.
 Grip, Robert H.
 Hunter, Bruce F.
 Lawrence, Norman B.
 Morrisette, Roland A.
 Pappas, Toni
 Riley, Frances L.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Young, Willard N.

Foote, Herbert N., Sr.
 Gureckis, Adam C., Sr.
 Keefe, Edmund M.
 Mason, Howard F.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Rodgers, G. Philip
 Searles, Stanley N., Sr.
 Tyree, Paul M.

Green, Scott E.
 Healy, Daniel J.
 Kelley, Robert N.
 McCann, Bonnie Lou
 Ouellette, Robert O.
 Reidy, Frank J.
 Sallada, Roland A.
 Smith, Leonard A.
 Wheeler, David K.

MERRIMACK

Boucher, Laurent J.
 Gross, Caroline L.
 Hill, Michael
 Lockwood, Robert A.
 Pfaff, Terence R.
 Shaw, Randall F.
 Tolpin, Richard W.

Daneault, Gabriel
 Hager, Elizabeth
 Jacobson, Alf E.
 Millard, Elizabeth S.
 Phelps, James D.
 Stio, Peter M.
 Whittemore, James A.

Fraser, Leo W., Jr.
 Hayes, Robert C.
 Kidder, William F.
 Nichols, Avis B.
 Provencal, Leo A.
 Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
 Brown, Jeffrey M.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Palumbo, Vincent J., Jr.
 Simon, Peter M.
 Warburton, Calvin

Benton, Richardson D.
 Campbell, Eunice M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Gage, Beverly A.
 Haynes, Richard L.
 King, Roger C.
 MacDonald, Maurice B.
 Raynowska, Bernard J.
 Skinner, Patricia M.
 Welch, David A.

Boucher, William P.
 Campbell, Marilyn R.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 Schmidtchen, Rowland
 Sytek, Donna P.

STRAFFORD

Dionne, Albert J.
 Stewart, Glenn W.

Flynn, Anita A.
 Torr, Ann M.

Musler, George T.

SULLIVAN

Behrens, Thomas A.
 Middleton, John A.
 Schotanus, Merle W.

Hinrichsen, Keith L.
 Peyron, Fredrik

MacAskill, Kenneth M.
 Rodeschin, Beverly T.

NAYS 181

BELKNAP

Campbell, Richard H., Jr.
 Maviglio, Steven R.
 Turner, Robert H.

Golden, Paul A.
 Pearson, Ralph W.
 Vogler, Charles C.

Hawkins, Robert S.
 Richardson, Lawrence
 Ziegra, Alice S.

CARROLL

Dodge, Arthur G., Jr.

Olimpio, J. Lisbeth

CHESHIRE

Cole, Kenneth A.
 LaMar, David M.
 Pearson, Gertrude B.

Doucette, Richard F.
 Matson, William R.
 Pratt, Irene A.

Foster, Katherine D.
 Metzger, Katherine H.
 Spear, Susan S.

GRAFTON

Adams, Carl S.
Copenhaver, Marion L.
Larson, Nils H., Jr.
Shackett, Ralph E.
Ward, Kathleen W.

Arnesen, Deborah L.
Guest, Robert H.
Nordgren, Sharon L.
Stewart, Roger

Chambers, Mary P.
Hill, Richard L.
Scanlan, David M.
Teschner, Douglass P.

HILLSBOROUGH

Amidon, Eleanor H.
Barry, Vivian
Brady, Carolyn L.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Ford, Nancy M.
Genest, Fernand A.
Hall, Betty B.
Hultgren, David D.
Johnson, Lionel W.
Kurk, Neal M.
Long, Linda D.
McDowell, James E.
Murphy, Robert E.
Perham, Lester R.
Provost, Gilles R.
Robinson, Ellen-Ann
Tarpley, Nancy L.
Upton, Barbara A.
Wright, George W.

Andrews, Frederick B.
Biondi, Christine A.
Daigle, Robert A.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Frank, Nancy G.
Goulet, Maurice E.
Harlan, Susan N.
Jean, Romeo W.
King, John A.
Lachut, Ervin R.
Lown, Elizabeth D.
McNerney, Daniel P.
Nardi, Theodora P.
Pignatelli, Debora B.
Record, Alice B.
Soucy, Lillian E.
Toomey, Daniel
Vanderlosk, Stanley R.

Baldizar, Barbara J.
Bourque, Ann J.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Dyer, Merton S.
Flood, Jacqueline J.
Gagnon, Gabrielle V.
Guilbert, Lionel
Holden, Carol H.
Jenkins, Mary
Knight, Alice Tirrell
Lefebvre, Roland J.
Lozeau, Donnalee M.
Messier, Irene M.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Stiles, Walter A.
Turgeon, Roland M.
Wihby, Linda S.

MERRIMACK

Anderson, Eleanor M.
Bardsley, Elizabeth S.
Carter, Susan D.
Fillion, Paul R.
Holmes, Mary C.
Pantzer, Eugene E.
West, George M.

Apple, Lowell D.
Beaton, Nancy C.
Dunn, Miriam D.
Gilbreth, Robert M.
Johnson, C. William
Soldati, Jennifer

Barberia, Richard A.
Braiterman, Thea G.
Fair, Patricia A.
Hall, Douglas E.
Lewis, Mary Ann
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
Caswell, Albert, Jr.
Cooke, Annette M.
Hoar, John, Jr.
Kane, Cecelia D.
Mace, Ada L.
McCarthy, John J., Jr.
Pantelakos, Laura C.
Remick, Barbara R.
Sanderson, Patricia O.
Sherburne, John L.
Wells, Henry E.

Blanchard, MaryAnn N.
Chase, Lawrence A., Jr.
Dube, LeRoy S.
Hoelzel, Kathleen M.
Lovejoy, Virginia K.
Malcolm, Kenneth W.
McGovern, Cynthia A.
Parsons, Robert F.
Ritzo, Eugene
Senter, Marilyn P.
Vaughn, Charles L.
Wright, David B.

Brown, Lewis W.
Conroy, Janet M.
Ford, Bert H.
Johnson, Robert A.
MacKinnon, Nancy W.
McCain, William F.
Micklton, Stephanie K.
Popov, Elizabeth M.
Rosencrantz, James R.
Seward, Russell G.
Weddle, Michael R.

STRAFFORD

Appleby, James E.	Bernard, Mary E.	Bickford, Drucilla
Burton, Wayne M.	Callaghan, Robert J.	Flynn, Edward J.
Foss, Patricia H.	Frechette, Roland A.	Gilmore, Gary R.
Keans, Sandra B.	Kincaid, William K.	Kinney, Paula J.
Marston, Robert E.	Martling, W. Kent	McCann, William H., Jr.
Merrill, Amanda A.	O'Brien, John	Parks, Joe B.
Pelley, Janet R.	Scharff, Thomas E.	Spencer, Leo J.
Sullivan, Henry P.	Swope, Warren L.	Tsiros, William
Wall, Janet G.	Wheeler, Katherine Wells	Young, John B.

SULLIVAN

Brodeur, Robert J.	Burling, Peter Hoe	Domini, Irene C.
Krueger, Richard H.	Lucier, Edward A., Jr.	Stamatakis, Carol M.

and the report lost.

Rep. Elizabeth Greene moved that the Committee of Conference be discharged and request a new Committee of Conference.

A roll call was requested. Sufficiently seconded.

YEAS 149

NAYS 191

YEAS 149**BELKNAP**

Bolduc, Dennis R.	Hardy, Earle D.	Hawkins, Robert S.
Locke, Matthew J.	Randall, Kenneth A.	White, James J.

CARROLL

Chandler, Gene G.	Daly, Robert J., Jr.	Dickinson, Howard C., Jr.
Dodge, Arthur G., Jr.	Foster, Robert W.	MacDonald, Kenneth J.
Powers, Gerard E., Jr.	Saunders, Howard N.	Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.	Blacketor, Paul G.	Cole, Stacey W.
Crutchley, Donald O.	Delano, Robert F.	Gordon, Irvin H.
Grodin, Richard A.	Hunt, John B.	Laurent, John J.
Matson, William R.	Morse, JoAnn T.	Sawyer, Alfred P.

COOS

Brungot, Catherine V.	Burns, Harold W.	Dumont, Robert E.
Guay, Lawrence J.	Horton, Lynn C.	Kilbride, Dennis J.
Lemire, George	Marsh, Beaton	Merrill, Gerald P.
Nelson, Harold D.	Oleson, Otto H.	Theriault, Romeo J.

GRAFTON

Adams, Carl S.	Bean, Pamela B.	Brown, Channing T.
Chambers, Mary P.	Christy, C. Dana	Densmore, Edward D.
Dow, David O.	Driscoll, William J.	LaMott, Paul I.
Larson, Nils H., Jr.	Markley, J. Keith	Rose, William B.
Townsend, Howard C.	Wadsworth, Karen O.	Ward, Kathleen W.
Weymouth, Philip H.		

HILLSBOROUGH

Ahrens, Frederick G.	Alukonis, David J.	Andrews, Frederick B.
Bowers, Dorothy C.	Culbert, Patrick	Desrochers, Gerard T.
Desrosiers, William J.	Dodge, Emma M.	Emerton, Lawrence A., Sr.
Fields, Dennis H.	Foote, Herbert N., Sr.	Green, Scott E.
Grip, Robert H.	Harlan, Susan N.	Healy, Daniel J.

Holden, Carol H.
Kelley, Robert N.
McCann, Bonnie Lou
Ouellette, Robert O.
Provost, Gilles R.
Sallada, Roland A.
Smith, Leonard A.
Wheeler, David K.

Hultgren, David D.
Lawrence, Norman B.
Morrissette, Roland A.
Pappas, Toni
Reidy, Frank J.
Schneiderat, Catherine A.
Steiner, Lee Anne S.

Hunter, Bruce F.
Mason, Howard F.
O'Rourke, JoAnne A.
Pepino, Leo P.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Tyree, Paul M.

MERRIMACK

Boucher, Laurent J.
Gross, Caroline L.
Millard, Elizabeth S.
Phelps, James D.
Teague, Bert

Daneault, Gabriel
Hager, Elizabeth
Nichols, Avis B.
Shaw, Randall F.
Whittemore, James A.

Fraser, Leo W., Jr.
Lockwood, Robert A.
Pfaff, Terence R.
Stio, Peter M.

ROCKINGHAM

Anderson, Carl F., III
Brown, Jeffrey M.
Campbell, Marilyn R.
Fesh, Robert M.
Forsythe, Douglas G.
Johnson, Robert A.
King, Roger C.
Magoon, Harold F.
Raynowska, Bernard J.
Warburton, Calvin

Benton, Richardson D.
Brown, Lewis W.
Cote, Patricia L.
Flanders, Harry E.
Gage, Beverly A.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Palazzo, Frank J., Sr.
Skinner, Patricia M.
Welch, David A.

Boucher, William P.
Campbell, Eunice M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Gage, Thomas U.
Katsakiores, Phyllis M.
MacDonald, Maurice B.
Palumbo, Vincent J., Jr.
Sytek, Donna P.
Wright, David B.

STRAFFORD

Dionne, Albert J.
Stewart, Glenn W.

Kincaid, William K.
Torr, Ann M.

Kinney, Paula J.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Schotanus, Merle W.

Hinrichsen, Keith L.
Middleton, John A.

Krueger, Richard H.
Rodeschin, Beverly T.

NAYS 191

BELKNAP

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rosen, Ralph J.
Ziegra, Alice S.

Golden, Paul A.
Pearson, Ralph W.
Turner, Robert H.

Holbrook, Robert G.
Richardson, Lawrence
Vogler, Charles C.

CARROLL

Olimpio, J. Lisbeth

CHESHIRE

Cole, Kenneth A.
Hill, Douglas E.
Pearson, Gertrude B.
Spear, Susan S.

Doucette, Richard F.
LaMar, David M.
Perry, David M.

Foster, Katherine D.
Metzger, Katherine H.
Pratt, Irene A.

COOS

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
 Guest, Robert H.
 Scanlan, David M.
 Teschner, Douglass P.

Bennett, Shirley M.
 Hill, Richard L.
 Shackett, Ralph E.

Copenhaver, Marion L.
 Nordgren, Sharon L.
 Stewart, Roger

HILLSBOROUGH

Amidon, Eleanor H.
 Bicknell, Robert C.
 Bourque, Ann J.
 Cowenhoven, Garret P.
 Donovan, Francis X.
 Dube, Ellen C.
 Dykstra, Leona
 Ford, Nancy M.
 Genest, Fernand A.
 Gureckis, Adam C., Sr.
 Jenkins, Mary
 King, John A.
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McNerney, Daniel P.
 Nardi, Theodora P.
 Pignatelli, Debora B.
 Rheault, Lillian I.
 Soucy, Lillian E.
 Toomey, Daniel
 Vanderlosk, Stanley R.
 Young, Willard N.

Baldizar, Barbara J.
 Biondi, Christine A.
 Brady, Carolyn L.
 Daigle, Robert A.
 Drabinowicz, A. Theresa
 Dwyer, Patricia R.
 Elliott, Larry G.
 Frank, Nancy G.
 Goulet, Maurice E.
 Hall, Betty B.
 Johnson, Lionel W.
 Knight, Alice Tirrell
 Lefebvre, Roland J.
 Lozeau, Donnalee M.
 Messier, Irene M.
 Packard, Bonnie B.
 Prestipino, Bartolo V.
 Riley, Frances L.
 Stiles, Walter A.
 Turgeon, Roland M.
 Wihby, Linda S.

Barry, Vivian
 Boucher, Lionel R.
 Burkush, Peter A.
 Domaingue, Jacquelyn M.
 Drolet, Paul L., Jr.
 Dyer, Merton S.
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Guilbert, Lionel
 Jean, Romeo W.
 Keefe, Edmund M.
 Kurk, Neal M.
 Long, Linda D.
 McDowell, James E.
 Murphy, Robert E.
 Perham, Lester R.
 Record, Alice B.
 Robinson, Ellen-Ann
 Tarpley, Nancy L.
 Upton, Barbara A.
 Wright, George W.

MERRIMACK

Anderson, Eleanor M.
 Bardsley, Elizabeth S.
 Carter, Susan D.
 Fillion, Paul R.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Soldati, Jennifer
 West, George M.

Apple, Lowell D.
 Beaton, Nancy C.
 Dunn, Miriam D.
 Gilbreth, Robert M.
 Hill, Michael
 Johnson, C. William
 Pantzer, Eugene E.
 Tolpin, Richard W.

Barberia, Richard A.
 Braiterman, Thea G.
 Fair, Patricia A.
 Hall, Douglas E.
 Holmes, Mary C.
 Kidder, William F.
 Provencal, Leo A.
 Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
 Chase, Lawrence A., Jr.
 Dube, LeRoy S.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Lovejoy, Virginia K.
 Malcolm, Kenneth W.
 McGovern, Cynthia A.
 Parsons, Robert F.
 Ritzo, Eugene

Blanchard, MaryAnn N.
 Conroy, Janet M.
 Flanagan, Natalie S.
 Haynes, Richard L.
 Kane, Cecelia D.
 MacKinnon, Nancy W.
 McCain, William F.
 Micklon, Stephanie K.
 Popov, Elizabeth M.
 Rosencrantz, James R.

Caswell, Albert, Jr.
 Cooke, Annette M.
 Ford, Bert H.
 Hoar, John, Jr.
 Klemarczyk, Thaddeus E.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Sanderson, Patricia O.

Schmidtchen, Rowland
Sherburne, John L.
Weddle, Michael R.

Senter, Marilyn P.
Simon, Peter M.
Wells, Henry E.

Seward, Russell G.
Vaughn, Charles L.

STRAFFORD

Appleby, James E.
Burton, Wayne M.
Flynn, Edward J.
Gilmore, Gary R.
Martling, W. Kent
Musler, George T.
Pelley, Janet R.
Sullivan, Henry P.
Wheeler, Katherine Wells

Bernard, Mary E.
Callaghan, Robert J.
Foss, Patricia H.
Keans, Sandra B.
McCann, William H., Jr.
O'Brien, John
Scharff, Thomas E.
Swope, Warren L.
Young, John B.

Bickford, Drucilla
Flynn, Anita A.
Frechette, Roland A.
Marston, Robert E.
Merrill, Amanda A.
Parks, Joe B.
Spencer, Leo J.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
Lucier, Edward A., Jr.
and the motion lost.

Burling, Peter Hoe
Peyron, Fredrik

Domini, Irene C.
Stamatakis, Carol M.

SENATE MESSAGE

CONCURRENCE WITH AMENDMENTS

SB 152, relative to a study of a portion of the Spaulding Turnpike and making an appropriation therefor, and establishing a committee to study traffic problems on Routes 16 and 302 in the Mt. Washington Valley.

SB 5, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation.

SB 61, relative to preserving the old state house and making an appropriation therefor.

SB 36, relative to catastrophic costs, school building aid and submitting municipal financial reports to the commissioner of education.

(Deputy Speaker Burns in the Chair)

SENATE MESSAGES

NONCONCURRENCE WITH AMENDMENTS

REQUESTS COMMITTEES OF CONFERENCE

SB 33, relative to construction on the Spaulding turnpike and making an appropriation therefor.

The President appointed Sens. Torr, Dupont and Krasker.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Marsh, Channing Brown, Ralph Pearson and Frechette.

SB 77, relative to holiday pay for certain part-time state employees.

The President appointed Sens. Hough, Torr and Delahunty.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Maurice MacDonald, Schneiderat, Ward and Pelley.

SB 81, relative to the management of court facilities.

The President appointed Sens. St. Jean, Bartlett and Dupont.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Powers, Maurice MacDonald, Holbrook and Dunn.

SB 82, relative to judicial retirement pay and to vested rights in judicial retirement compensation.

The President appointed Sens. Blaisdell, Hough and Bartlett.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Palumbo, Powers, Maurice MacDonald and Pelley.

SB 88, providing a cost of living adjustment for certain group I members.

The President appointed Sens. Magee, Roberge and Blaisdell.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Richardson and Ward.

SB 89, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes.

The President appointed Sens. Delahunty, Charbonneau and Blaisdell.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Richardson and Ward.

SB 90, providing a 4 percent cost of living adjustment for group II members.

The President appointed Sens. Delahunty, Charbonneau and Blaisdell.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Dyer, Richardson and Ward.

SB 111, relative to the operation of ski craft.

The President appointed Sens. Dupont, McLane and Blaisdell.

Rep. Gordon moved that the House accede.

Adopted.

The Speaker appointed Reps. George Katsakiores, White, Lewis and Spear.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor.

The President appointed Sens. Torr, Nelson and Roberge.

Rep. Phelps moved that the House accede.

Adopted.

The Speaker appointed Reps. Phelps, Alukonis, Schotanus and Guilbert.

SB 153, establishing a committee to study the AFDC program.

The President appointed Sens. Krasker, Charbonneau and Bond.

Rep. Pappas moved that the House accede.

Adopted.

The Speaker appointed Reps. Robinson, Bennett, Micklon and Katherine Foster.

SB 164, relative to licensing ophthalmic dispensers.

The President appointed Sens. Freese, Stephen and Currier.

Rep. Pappas moved that the House accede.

Adopted.

The Speaker appointed Reps. Pappas, Mary Holmes, Stio and Copenhaver.

SB 168, establishing a division of fire service.

The President appointed Sens. Freese, Disnard and Bartlett.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Powers, Ballou, Weymouth and Richardson.

SB 175, making an appropriation to the arts development program.

The President appointed Sens. Dupont, Blaisdell and Podles.

Rep. Kidder moved that the House accede.

Adopted.

The Speaker appointed Reps. Michael Hill, Apple, Douglas Hall and Sanderson.

SB 106, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor.

The President appointed Sens. Preston, Dupont and Torr.

Rep. Gordon moved that the House accede.

Adopted.

The Speaker appointed Reps. George Katsakiores, Gerard Desrochers, John Flanders and Townsend.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 104, relative to common and contract carriers. (Amendment printed SJ 21, 5/4/89)

Rep. Gordon moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Roger Stewart, John Flanders, Raynowska and Turgeon.

HB 85, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system. (Amendment printed SJ 23, 5/11/89)

Rep. Powers moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, John King and Ward.

ENROLLED BILLS REPORTS

HB 24, relative to the bicentennial commission.

HB 36, relative to library records confidentiality.

HB 57, appropriating funds to the department of agriculture to continue work on the Eastern States Building.

HB 66, relative to health maintenance organizations.

HB 113, to define certain police trainers as permanent policemen for retirement system purposes.

HB 114, allowing the district courts to approve petitions for services other than counsel.

HB 129, establishing fees for reviewing plans to dredge and creating new classified positions and making an appropriation therefor.

HB 155, relative to correcting defects in the March 10, 1987 Hooksett school district election ballot and the March 14, 1989, Marlborough town meeting.

HB 264, prohibiting the distribution, sale, possession or use of anabolic steroids except for purposes of medical treatment.

HB 330, relative to exemption from the gasoline tax and state license plates.

HB 609, relative to jury selection procedures.

HB 652, relative to discounts and credit terms for the sale of wine.

HB 664, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights.

HB 758, to establish an impact fee study committee.

HB 763, authorizing the Salem and Derry school districts to establish a debt retirement fund.

SB 8, relative to workers' compensation coverage of firemen.

SB 13, relative to the definition of legislative and governing bodies of municipalities.

SB 84, to require drivers on motorcycles to wear eye and face protection.

SB 95, establishing a minimum fine for violating the boat decibel limits.

SB 163, relative to power production capacity of certain small power production facilities.

SB 178, relative to campaign financing.

HB 28, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover.

HB 80, relative to land under the jurisdiction of the wetlands board and relative to the penalties of the wetlands board.

HB 84, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system.

HB 98, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs.

HB 210, relative to improvements in fire protection for the state house, phase II and III and making an appropriation therefor.

HB 397, relative to composition of the dental board.

SB 18, relative to forest and brush fires and enforcement powers of the division of forests and lands.

SB 31, relative to renovation of the Rochester post office as a district court facility.

SB 146, relative to judicial salaries.

SB 174, relative to regulation of estheticians.

HB 19, regarding the use of the hazardous waste cleanup fund.

HB 120, increasing the amount available for suggestion and incentive awards to state employees.

HB 173, relative to the dedication of the Hampton State Beach lifeguard facility and making an appropriation therefor.

HB 187, relative to the rulemaking authority of the board of medicine.

HB 238, permitting competent adults to nominate their own guardians in case of future incapacity.

HB 290, to recognize that the automation activities of the department of revenue administration should be modernized.

HB 616, relative to the public utilities commission.

SB 100, relative to pari-mutuel racing.

HB 115, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving.

HB 131, relative to protective well radii for private water wells.

HB 221, exempting health care facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime.

HB 240, establishing a shooting range study committee.

HB 279, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor.

HB 291, relative to the real estate transfer tax.

HB 354, making an appropriation to fund improvements in Cardigan State Park.

SB 30, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry.

SB 32, relative to drug offenses.

SB 119, relative to the boundaries of ward 2 in the city of Portsmouth.

HB 58, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination.

HB 142, relative to liability of expenses for the support and necessities of minors.

HB 150, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws.

HB 157, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor.

HB 532, establishing a committee to study the revenue structure in New Hampshire.

HB 579, permitting certain policemen and firemen to join the New Hampshire retirement system.

HB 608, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities.

HB 622, relative to vested deferred retirement benefits for group I members.

HB 640, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan.

HB 643, relative to retention and destruction of district court records, responsibility for payment of costs of court-ordered services, and taxable court costs.

SB 22, relative to certain forestry activities in wetlands.

SB 38, relative to fireworks.

SB 96, relative to the Portsmouth district court and making an appropriation therefor.

SB 125, adopting the uniform trade secrets act.

Rep. Mary Ann Lewis

Sen. David P. Currier

For the Committee

RECESS

SENATE MESSAGE
NONCONCURRENCE WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE

SB 154, relative to timely distribution of sweepstakes revenues through the foundation aid formula.

The President appointed Sens. Dupont, Blaisdell and Bartlett.

Rep. Skinner moved that the House accede.

Adopted.

The Speaker appointed Reps. Domaingue, Hayes, Larson and Beaton.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Thursday, May 18 at 1:00 p.m.

Adopted.

Rep. Palumbo moved that the House stand in recess for the purpose of establishing Committees of Conference only.

The House recessed at 4:45 p.m.

(Rep. Palumbo in the Chair)

SENATE MESSAGES
REQUESTS CONCURRENCE WITH AMENDMENT

HB 586, relative to siting and permitting of solid and hazardous waste disposal facilities.

Rep. Phelps moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Palumbo, Musler, Millard and Trombly.

ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE

HB 273, authorizing the transfer of sick and annual leave and longevity credit for certain state employees.

The President appointed Sens. Bartlett, Freese and Blaisdell.

HB 710, regulating the use of social security numbers by the department of safety.

The President appointed Sens. Preston, Heath and Johnson.

HB 654, creating a committee to study what organizations may participate in the New Hampshire retirement system.

The President appointed Sens. Freese, Blaisdell and Roberge.

HB 260, relative to distribution of catastrophic aid.

The President appointed Sens. Hough, Blaisdell and Bartlett.

HB 613, relative to the method for granting supplemental allowances to New Hampshire retirement system members.

The President appointed Sens. Delahunty, Freese and Blaisdell.

HB 594, to reinstate medical and surgical benefits for certain retired employees.
The President appointed Sens. Blaisdell, Freese and Magee.

HB 434, relative to franchising and regulation of cable television systems and making an appropriation therefor.

The President appointed Sens. St. Jean, Bartlett and Dupont.

HB 582, relative to a committee to review surface water use restrictions on the public waters of the state.

The President appointed Sens. Bond, Preston and Bass.

REFUSES TO ACCEDE TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 374, relative to the Head Start program and making an appropriation therefor.

CONCURRENCE WITH AMENDMENT

SB 23, relative to the executive director of the liquor commission.

NONCONCURRENCE WITH AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 91, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957.

The President appointed Sens. Blaisdell, Freese and Magee.

Rep. Powers moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Richard Campbell, Ward and Richardson.

RECESS

Rep. Stacey Cole moved that the House adjourn.

Adopted.

CONFEREE CHANGES

HB 117 Rep. Teschner, chair; Rep. Elizabeth Greene, member

HB 327 Add Sen. Bartlett as Senate member

HB 582 Rep. Stacey Cole replaces Rep. Lewis

HB 658 Rep. Lozeau replaces Rep. Bean

HB 766 Rep. Lewis replaces Rep. Bardsley

SB 52 Rep. Lozeau, chair; Rep. Hultgren replaces Jasper

SB 94 Rep. Behrens replaces Rep. Klemm

SB 105 Rep. Phelps, chair

SB 154 Rep. Robinson replaces Rep. Hayes

SB 164 Rep. Pignatelli replaces Rep. Copenhagen

SB 175 Rep. Robinson replaces Rep. Apple

SB 196 Rep. C. William Johnson replaces Rep. Jasper

Rep. Stacey Cole moved that the House adjourn.

HOUSE JOURNAL No. 27

Thursday, May 18, 1989

The House assembled at 1:25 p.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by Rev. John B. McCall, House Chaplain .

Gracious God, who gives us life and who places a glimpse of eternity in our hearts, we thank you for the spirit of service which has brought us together in this place. We know it is not enough to care only for ourselves as we make our way through this weary world.

We give you thanks for the noble souls who have changed this world for the better, in grand way or simple. We gratefully remember all who have sought the common good in the face of many pressures.

Be with us as we labor, Holy One, and grant us grateful hearts as we recognize your faithfulness to every generation. Amen.

Rep. William Boucher led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Ann Derosier, Daniel Eaton, Janet Barry, Lovejoy, Kress and Roulston, the day, illness.

Reps. Buckley, Hatch, Drake, Shackett, Gerald Smith, Doucette, Upton, Toomey, Ziegra, Cooke, Olimpio, Whittemore, Susan Harlan, Bardsley, Alukonis, Splaine, Tufts, Gordon Flint, Grip, Blanchard, Burkush, Schneiderat, and Marilyn Campbell, the day, important business.

Reps. Joseph MacDonald, Hynes, A. Gibb Dodge and Eleanor Anderson, the day, illness in the family.

INTRODUCTION OF GUESTS

Ellen Pearce, Guest of Rep. Pratt, James DeWolfe of Hudson, MA, guest of Rep. Daly.

SENATE MESSAGES**ACCEDES TO REQUEST FOR COMMITTEES OF CONFERENCE**

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system.

The President appointed Sens. Freese, Blaisdell and Charbonneau.

HB 104-FN, relative to common and contract carriers.

The President appointed Sens. Heath, King and Currier.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 88-FN, relative to weights and measures. (Amendment printed SJ 21, 5/4/89)

Rep. Fraser moved that the House concur.

Adopted.

HB 345-FN, relative to interference with hunters, trappers and fishermen. (Amendment printed SJ 23, 5/11/89)

Rep. Perham moved that the House concur.

Adopted.

HB 394-FN-A, establishing a state energy response commission. (Amendment printed SJ 23, 5/11/89)

Rep. Rodeschin moved that the House concur.

Adopted.

HB 465, changing the name of the solid waste management council. (Amendment printed SJ 23, 5/11/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

HB 487, relative to grandparents' rights. (Amendment printed SJ 23, 5/11/89)

Rep. Bean moved that the House concur.

Adopted.

HB 492, relative to recreational campgrounds and camping parks. (Amendment printed SJ 22, 5/9/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 518-FN, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor. (Amendment printed SJ 22, 5/9/89)

Rep. Powers moved that the House concur.

Adopted.

HB 528, relative to learners permits. (Amendment printed SJ 18, 4/20/89)

Rep. Gordon moved that the House concur.

Adopted.

HB 546-FN, relative to the water protection assistance program. (Amendment printed SJ 23, 5/11/89)

Rep. Stacey Cole moved that the House concur.

Adopted.

HB 556, relative to the board of governors, and administrative board, and the commissioner of the department of postsecondary vocational-technical education. (Amendment printed SJ 23, 5/11/89)

Rep. Skinner moved that the House concur.

Adopted.

HB 605, relative to a recycling logo. (Amendment printed SJ 19, 4/27/89)

Rep. Elizabeth Greene moved that the House concur.

Adopted.

ENROLLED BILLS AMENDMENTS

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses.

Amendment

Amend RSA 265:89 as inserted by section 18 of the bill by replacing line 7 with the following:

alcohol in his blood] *an alcohol concentration of 0.05 or less* is prima facie

This amendment reinserts two omitted words.

Adopted.

HB 59, changing the name of the New Hampshire vocational-technical college education system.

Amend section 1 of the bill by replacing line 4 with the following:

IV; 94:1-a, I; 186:6-a; 188-B:2; 188-D:2, I, III, and IV; and 188-F.

This amendment adds a RSA reference omitted from the bill.

Adopted.

HB 516-FN, relative to illegal dumping of garbage.

Amendment

Amend RSA 149-M:13, II as inserted by section 1 of the bill by replacing line 4 with the following:

bylaws enacted pursuant to this paragraph. Notwithstanding any other

This amendment corrects a reference.

Adopted.

SUSPENSION OF RULES

Rep. Thomas Gage moved that the House rules be so far suspended as to permit consideration of a committee report on SB 144, relative to blood alcohol tests.

Reps. Palumbo and Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

SB 144-FN, relative to blood alcohol tests. Ought to Pass.

The bill requires those wishing to have additional, independent blood, breath or urine tests conducted must choose a person selected by the Director of the Division of Public Health who is competent to conduct the tests. The bill requires that a second sample of blood, breath or urine be preserved and made available upon request to the defendant or his counsel. The bill further allows the Division of Public Health to adopt rules for certifying laboratories that conduct blood alcohol content tests. Vote 10-0. C. William Johnson for the Committee.

Rep. Thomas Gage spoke to the report.

Ordered to third reading.

SUSPENSION OF RULES

Rep. Bean moved that the House rules be so far suspended as to permit consideration of a committee report on SB 45, relative to child support enforcement.

Rep. Bean spoke to her motion.

Adopted by the necessary two-thirds.

SB 45-FN, relative to child support enforcement. Ought to Pass.

This bill was requested by the Division of Human Services and was introduced to provide the Division with more efficient and effective administrative hearing process. It also gives subpoena powers to the Director of Human Services. Vote 12-0. Rep. Stanley N. Searles for the Committee.

Ordered to third reading.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 561, relative to the protection of public funds. (Amendment printed SJ 23, 5/11/89)

Rep. Fraser moved that the House nonconcur and spoke to his motion.
Adopted.

OPINION OF THE JUSTICES

May 11, 1989

The following resolution, House of Representatives Resolution No. 24, requesting an opinion of the justices, was adopted on April 13, 1989, and filed with the Supreme Court on April 14, 1989:

“Whereas, there is pending in the House, House Bill 412-FN-A; as amended, ”An Act relative to a maximum deduction for compensation for business organizations under the business profits tax“; and

”Whereas, an amendment has been proposed to HB 412-FN-A; and

“Whereas, RSA 77-A:4, XIV(a) as proposed in HB 412-FN-A as amended would limit the amount of compensation which may be paid or deducted as reasonable compensation for the purposes of the business profits tax to \$100,000, the excess being subject to the business profits tax; and

”Whereas, RSA 77-A:4, XIV(b) as proposed in HB 412-FN-A, as amended would require that compensation received by one individual from all business organizations subject to the business profits tax be aggregated for the purpose of determining compensation paid or deducted under RSA 77-A:4, XIV(a);

“Whereas, a question has arisen as to the constitutionality of the provisions of said bill as amended; and

”Whereas, it is important that the question of the constitutionality of said provisions should be settled in advance of its enactment; now, therefore, be it

“Resolved by the House:

”That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Would the enactment of RSA 77-A:4, XIV(a) or (b) offend the requirements mandated by Part I, Article 12 and Part II, Articles 5 and 6 of the New Hampshire Constitution in any of the following ways or in any other ways:

(a) Would either provision offend the constitutional requirements for equality, proportionality, and reasonableness?

(b) Would either provision have the effect of impermissibly classifying taxpayers?

(c) Would either provision impermissibly classify property for the purpose of taxation?

2. Would the enactment of RSA 77-A:4, XIV(a) or (b) be contrary to any other provision of the New Hampshire Constitution or the New Hampshire Constitution?

“That, the clerk of the house of representatives transmit copies of this resolution and HB 412-FN-A and the amendment to the Justices of the New Hampshire Supreme Court.”

The following answers are returned to the Honorable House of Representatives:

The undersigned justices of the Supreme Court submit the following reply to the questions presented in your resolution adopted April 13, 1989, and filed with this court on April 14, 1989. Interested parties were permitted to file memoranda with the court until May 1, 1989.

The New Hampshire “business profits tax,” codified at RSA chapter 77-A, is imposed on the “taxable business profits” of business organizations. These profits are “gross business profits” adjusted by certain additions and deductions, and then fur-

ther adjusted by a method apportionment. RSA 77-A:1, IV (Supp. 1988). Under the current tax scheme, reasonable compensation is deductible in full. See Opinion of the Justices, 123 N.H. 296, 304, 460 A.2d 93, 96 (1983)(explaining operation of the "business profits tax"). House Bill 412-FN-A proposes an amendment to RSA 77-A:4 which would limit the compensation deduction to no more than \$100,000 for "any individual employee, proprietor, partner, or trustee of the business organization," regardless of the compensation actually or reasonably paid. The individual's compensation which exceeds \$100,000 would thus be included in the "taxable business profits," which are essentially the "net" taxable business income of the organization. See *id.* The bill also proposes an amendment to RSA 77-A:4, which would provide that "[i]n determining the compensation paid or deducted . . . for instances where an employee, proprietor, partner, or trustee is employed by, or performs services for more than one business organization, compensation shall be the aggregate of all compensation received from such business organization."

Question (1) inquires whether proposed RSA 77-A:4, XIV(a) or (b) violate part I, article 12 and part II, articles 5 and 6 of the State Constitution. It asks specifically whether either of these provisions offends the constitutional requirements for equality, proportionality, and reasonableness, or whether they have the effect of impermissibly classifying taxpayers or impermissibly classifying property. For the following reasons, we answer in the affirmative.

Part II, article 5 of our Constitution requires that "all taxes be proportionate and reasonable, . . . equal in valuation and uniform in rate, and just." Opinion of the Justices, 117 N.H. 749, 755, 379 A.2d 782, 786 (1977)(citations omitted); Opinion of the Justices, 111 N.H. 206, 209, 278 A.2d 348, 350 (1971). Part I, article 12 of the State Constitution also requires uniform and equal treatment in the taxation of business entities. See, e.g., Opinion of the Justices, 128 N.H. 1, 8, 509 A.2d 734, 740 (1986). Although we do not concern ourselves with the wisdom and practicality of proposed legislation, Opinion of the Justices, 110 N.H. 117, 122, 262 A.2d 290, 294 (1970), and we recognize that the legislature has broad powers to create exemptions, such as deductions, adjustments and credits, these exemptions must be reasonable and uniform. Opinion of the Justices, 128 N.H. at 8, 509 A.2d at 740; Opinion of the Justices, 123 N.H. at 300, 460 A.2d at 96.

It is our opinion that the proposed amendments to RSA 77-A:4 (Supp. 1988) do not meet these constitutional mandates. In a previous opinion of the justices, we advised that the legislature may not create systems of taxation which would result in "two classes of taxpayers paying different rates of tax on essentially the same class of property, business income." *Id.* Such is the constitutional infirmity here. The proposed amendment would have the effect of impermissibly classifying taxpayers in violation of part I, article 12 and part II, article 5 of the State Constitution. House Bill 412-FN-A creates two classifications of taxpayers: business organizations which compensate individual employees in excess of \$100,000 and those which do not. The effect of this bill would be to impose differing tax burdens and differing tax rates on business organizations which have identical gross income and aggregate reasonable compensation expenses. A simple illustration of this would be the situation where two business organizations have the same amount of gross business profits and reasonable compensation expenses totalling \$200,000, but one organization has only one employee, whose salary is \$200,000, and the other organization has two employees, each with a salary of \$100,000. It is clear that an unequal and unreasonable tax

burden would result because the organization with two employees could fully deduct \$200,000 while the organization with one employee could only deduct \$100,000 of compensation.

We have stated that a deduction for compensation under the "business profits tax" is not constitutionally required; however, to the extent that it is allowed, "it must be available to all business organizations." Opinion of the Justices, 123 N.H. 296, 307-08, 460 A.2d 93, 101 (1983)(emphasis in original). The proposed \$100,000 cap on reasonable compensation deductions would result in disproportionate taxation and would violate the constitutional principle that the legislature "must substantially treat all business entities uniformly and equally." See Opinion of the Justices, 128 N.H. 1, 8, 509 A.2d 734, 740 (1986) (quoting Opinion of the Justices, 123 N.H. at 302, 460 A.2d at 97)(emphasis in original). It follows, therefore, that proposed RSA 77-A:4, XIV(b) would also be unconstitutional, since it requires the aggregation of an individual's compensation from all organizations subject to the "business profits tax" for the purpose of determining compensation paid or deducted under proposed RSA 77-A:4, XIV(a).

Finally, we fail to see any just or valid distinction between these two classes of taxpayers which would permit the discrimination inherent in the proposed amendment. See Opinion of the Justices, 106 N.H. 202, 206, 208 A.2d 458, 461-62 (1965); see also Opinion of the Justices, 111 N.H. 206, 209, 278 A.2d 348, 350 (1971). Our Constitution cannot support the apparently arbitrary limitation on the amount of compensation which may be deducted as reasonable. See *Felder v. Portsmouth*, 114 N.H. 573, 578, 324 A.2d 708, 710 (1974) (classification must reasonably promote proper object of public welfare and must not be arbitrary). As discussed earlier, the net result of this limitation on the deduction, without reference to the reasonableness of the compensation paid, would be preferential tax treatment for organizations paying individual employees less than \$100,000. In sum, the provision would offend the constitutional requirements for equality, proportionality, and reasonableness and would impermissibly classify taxpayers in violation of our State Constitution.

In light of the foregoing discussion we need not determine whether the proposed amendment would also impermissibly classify property. For the same reason, there is no need to answer question (2), which asks whether HB 412-FN-A violates any other provision of the New Hampshire or United States Constitutions, a question which we would in any event respectfully decline to answer because of its generality. See Opinion of the Justices, 131 N.H. , , A.2d , (decided April 19, 1989)(quoting Opinion of the Justices, 101 N.H. 518, 522-23, 131 A.2d 818, 821 (1957).

David A. Brock
William F. Batchelder
David H. Souter
William R. Johnson
W. Stephen Thayer, III

REMOVED FROM THE TABLE

Rep. Sallada moved that HB 412, relative to a maximum deduction for compensation for business organizations under the business profits tax, be removed from the table. (Pending question: Ought to Pass with Amendment)

Adopted.

Rep. Sallada moved that the words Re-refer to the Committee on Ways and Means, be substituted for the report of the Committee, Ought to Pass with Amendment.

Re-referred to Committee.

Rep. Sallada moved that HB 220, relative to managing tax supported state debt, be removed from the table. (Pending question: Ought to Pass with Amendment)

Rep. Murphy requested a quorum count.

The Chair declared a quorum present.

Adopted.

Rep. Sallada moved that the words Re-refer to the Committee on Ways and Means, be substituted for the report of the Committee, Ought to Pass with Amendment.

A roll call was requested. Sufficiently seconded.

YEAS 246

Ballou, Richard A.
Hawkins, Robert S.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Turner, Robert H.

NAYS 34

YEAS 246

BELKNAP

CARROLL

Allard, Nanci A.
Powers, Gerard E., Jr.

Chandler, Gene G.
Saunders, Howard N.

Daly, Robert J., Jr.
Wiggin, Allen R.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Foster, Katherine D.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

Barber, Robert E., Jr.
Crutchley, Donald O.
Gordon, Irvin H.
Laurent, John J.
Pearson, Gertrude B.
Spear, Susan S.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
Matson, William R.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Marsh, Beaton
Oleson, Otto H.

Burns, Harold W.
Kilbride, Dennis J.
Merrill, Gerald P.
Woodburn, Jeffrey R.

Dumont, Robert E.
Lemire, George
Nelson, Harold D.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Dow, David O.
Hill, Richard L.
Markley, J. Keith
Stewart, Roger
Ward, Kathleen W.

Arnesen, Deborah L.
Chambers, Mary P.
Eno, Larry E.
LaMott, Paul I.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Densmore, Edward D.
Guest, Robert H.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.

HILLSBOROUGH

Amidon, Eleanor H.
Barry, Janet G.
Biondi, Christine A.
Cowenhoven, Garret P.
Dodge, Emma M.

Andrews, Frederick B.
Barry, Vivian
Bourque, Ann J.
Desrochers, Gerard T.
Donovan, Francis X.

Baldizar, Barbara J.
Bicknell, Robert C.
Brady, Carolyn L.
Desrosiers, William J.
Drabinowicz, A. Theresa

Drolet, Paul L., Jr.
 Dyer, Merton S.
 Ford, Nancy M.
 Goulet, Maurice E.
 Gureckis, Adam C., Sr.
 Hunter, Bruce F.
 Keefe, Edmund M.
 Knight, Alice Tirrell
 Long, Linda D.
 McDowell, James E.
 Messier, Irene M.
 Nardi, Theodora P.
 Pepino, Leo P.
 Prestipino, Bartolo V.
 Rheault, Lillian I.
 Sallada, Roland A.
 Stiles, Walter A.
 Wheeler, David K.

Dube, Ellen C.
 Emerton, Lawrence A., Sr.
 Frank, Nancy G.
 Green, Scott E.
 Healy, Daniel J.
 Jasper, Shawn N.
 Kelley, Robert N.
 Lachut, Ervin R.
 Lown, Elizabeth D.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 O'Rourke, JoAnne A.
 Perham, Lester R.
 Record, Alice B.
 Riley, Frances L.
 Searles, Stanley N., Sr.
 Tarpley, Nancy L.
 Wihby, Linda S.

Dwyer, Patricia R.
 Flood, Jacqueline J.
 Gagnon, Gabrielle V.
 Guilbert, Lionel
 Holden, Carol H.
 Jenkins, Mary
 King, John A.
 Lawrence, Norman B.
 Lozeau, Donnalee M.
 McRae, Karen
 Morrisette, Roland A.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Reidy, Frank J.
 Robinson, Ellen-Ann
 Soucy, Lillian E.
 Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Hill, Michael
 Johnson, C. William
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Soldati, Jennifer

Beaton, Nancy C.
 Carter, Susan D.
 Fair, Patricia A.
 Gilbreth, Robert M.
 Holmes, Mary C.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.

Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Gross, Caroline L.
 Jacobson, Alf E.
 Lockwood, Robert A.
 Pantzer, Eugene E.
 Provencal, Leo A.
 West, George M.

ROCKINGHAM

Benton, Richardson D.
 Brown, Lewis W.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Gage, Thomas U.
 Hollingworth, Beverly A.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCarthy, John J., Jr.
 Micklon, Stephanie K.
 Pantelakos, Laura C.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Skinner, Patricia M.
 Weddle, Michael R.

Boucher, William P.
 Campbell, Eunice M.
 Dube, LeRoy S.
 Flanders, John W., Sr.
 Hoar, John, Jr.
 Kane, Cecelia D.
 King, Roger C.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McGovern, Cynthia A.
 Palazzo, Frank J., Sr.
 Parr, Ednapearl F.
 Rosencrantz, James R.
 Senter, Marilyn P.
 Vaughn, Charles L.
 Wells, Henry E.

Brown, Jeffrey M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Gage, Beverly A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Simon, Peter M.
 Warburton, Calvin

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Edward J.

Bernard, Mary E.
 Burton, Wayne M.
 Frechette, Roland A.

Bickford, Drucilla
 Flynn, Anita A.
 Gilmore, Gary R.

Kinney, Paula J.
McCann, William H., Jr.
Parks, Joe B.
Spencer, Leo J.
Tsiros, William

Marston, Robert E.
Merrill, Amanda A.
Pelley, Janet R.
Sullivan, Henry P.
Wall, Janet G.

Martling, W. Kent
O'Brien, John
Scharff, Thomas E.
Swope, Warren L.
Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
Domini, Irene C.
Lucier, Edward A., Jr.
Peyron, Fredrik
Stamatakis, Carol M.

Brodeur, Robert J.
Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Burling, Peter Hoe
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

NAYS 34

BELKNAP

Golden, Paul A.

Maviglio, Steven R.

CHESHIRE

Cole, Kenneth A.

Hunt, John B.

Morse, JoAnn T.

COOS

Theriault, Romeo J.

GRAFTON

Christy, C. Dana

Driscoll, William J.

HILLSBOROUGH

Cox, Gladys M.
Hultgren, David D.
Lefebvre, Roland J.
Ouellette, Robert O.
Wright, George W.

Dykstra, Leona
Jean, Romeo W.
Mason, Howard F.
Rodgers, G. Philip

Elliott, Larry G.
Johnson, Lionel W.
Murphy, Robert E.
Turgeon, Roland M.

MERRIMACK

Shaw, Randall F.

ROCKINGHAM

Anderson, Carl F., III
Chase, Lawrence A., Jr.
Haynes, Richard L.
Welch, David A.

Bell, Juanita L.
Ford, Bert H.
Ritzo, Eugene

Caswell, Albert, Jr.
Forsythe, Douglas G.
Seward, Russell G.

STRAFFORD

Callaghan, Robert J.

Dionne, Albert J.

and HB 220 was re-referred to Committee.

Rep. Fields wished to be recorded in favor of the motion.

The Concord Delegation offered the following:

HOUSE RESOLUTION NO. 28

memorializing State Representative Mark E. Manus of Concord

WHEREAS, we have learned with great sorrow of the death of Representative Mark E. Manus who was in the midst of serving his second term as a dedicated and devoted member of the New Hampshire House, and

WHEREAS, with honor and diligence, Mark E. Manus did faithfully serve his constituents in District Seventeen of Merrimack County as a member of the Standing Committee on Labor, Industrial and Rehabilitative Services, sitting during this present term as Vice Chairman, and

WHEREAS, having been born in Lawrence, Massachusetts, Mark E. Manus lived sixty-two years in Concord, New Hampshire where he grew up and soon became known for his altruism, generosity and great concern for the welfare of the community, and

WHEREAS, Mark E. Manus was the founder and Chairman of the Capitol Region Food Program which provided food for needy families in the city and surrounding towns, and

WHEREAS, Mark E. Manus was a longtime businessman in Concord, respected and esteemed for his integrity and solid Yankee work ethic, and

WHEREAS, Mark E. Manus was a man blessed with abundant community spirit and did willingly serve as a member of the Concord City Council, the Planning Board, the Concord Revitalization Corporation, as President of the Chamber of Commerce, and as President of the Retail Merchants Association of New Hampshire, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Mark E. Manus be granted highest praise and recognition for his dedicated service as a state legislator and for his outstanding humanitarian work and commitment to the community, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Rep. Hager spoke to the resolution.

Unanimously adopted by a rising vote of silent prayer.

ENROLLED BILLS REPORTS

HB 41, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors.

HB 77, relative to the pharmacy board.

HB 81, relative to dam permitting authority.

HB 87, relative to group II accidental disability allowances.

HB 136, relative to education in unorganized places.

HB 332, relative to the collection and reclamation of motor vehicle wastes.

HB 428, regarding the licensing of funeral directors.

HB 536, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount.

HB 584, relative to bad checks.

HB 644, enabling cities and towns to adopt an optional veterans' exemption.

HB 726, relative to bylaws which regulate electioneering.

SB 16, relative to post-termination commissions paid to sales representatives.

SB 21, establishing authority for revolving funds for publications and training in the office of state planning.

SB 44, requiring the superior court to adjudicate paternity in certain contested cases.

SB 107, relative to the right to know law.

SB 122, relative to member retirement deductions for certain group II members.

SB 156, relative to refuse disposal.

SB 171, relative to revenue distribution.

SB 180, relative to abandoned vehicles.

SB 193, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state.

HB 82, relative to the police standards and training council and the fire standards and training commission.

HB 509, authorizing industrial development financing for the Manchester Airport.

HB 531, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places.

HB 571, establishing standards for mediators.

HB 651, relative to adoption fees and information about birthparents.

SB 23, relative to the executive director of the liquor commission.

SB 43, relative to licensing engineers, architects, and land surveyors.

SB 60, relating to recording dock permits.

SB 64, relative to asbestos management penalties.

SB 195, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor.

Rep. Mary C. Holmes

Sen. David P. Currier

For the Committee

RECEDES FROM REQUEST FOR COMMITTEE OF CONFERENCE

Rep. Elizabeth Greene moved that the House recede from its position of requesting a Committee of Conference on HB 586, relative to siting and permitting of solid and hazardous waste disposal facilities, and spoke to her motion.

(This transcript of debate on HB 586 has been edited only to the extent of deleting parliamentary inquiries involving the legislative process. All substantive debate is included. The Speaker and Minority Leader have concurred with the Clerk's editing)

At this time the Chair recognizes the member from Rye, Rep. Greene, who moves that the House recede from its position of nonconcurrence and request a Committee of Conference, that would be the motion before us. The Chair recognizes Rep. Greene.

Rep. Greene: Thank you, Mr. Speaker. The Committee feels on balance that the best thing we can do is to recommend that we withdraw our Committee of Conference request, and that's all this motion does, I understand.

The Chair recognizes Rep. Burling to speak to the motion.

Thank you, Mr. Speaker. Ladies and gentlemen, if I may ask for your attention once again. It is a long day, a hot day, there are more kernels of popcorn going off than I ever thought possible. But this is one of the important ones, and I'm asking for your attention to a very important point.

What's happening here procedurally is that the Committee is asking essentially for the right to accept a Senate amendment which would, on its face as written, create a siting power for low-level nuclear waste within the state of New Hampshire. That's what the English language used in the draft of the bill says.

This thing first appeared before us last week. It was in the Senate Journal. And for those of us who were wandering just a bit in the course of last week's critical debate, the perusal of the Senate Journal showed these amendments. Amendments to a bill that had to do with a hazardous waste siting bill all of a sudden included language dealing with low-level nuclear wastes. Some of us were concerned about that and looked at the existing law and looked at what was available, and began to work on some thoughts, just original ideas about what it was that was intended in this bill. There had, after all, been no public hearing at all on the issue contained in the Senate amendment. Not one word of public hearing. You may remember that it appeared in

the House Committee Calendar under miscellaneous activities. Well, some of us get a kick out of miscellaneous activities, so we decided to play along. And we worked up a group of amendments or ideas that seemed to focus down the Senate amendment to those things which needed doing, or maybe needed doing. We weren't sure because there hadn't been any public hearing.

What's it about? The Senate amendment says, in the first instance, that we will create a fund for the disposal of low-level nuclear wastes within the state of New Hampshire. The second section of the amendment as proposed by the Senate says okay, we're going to delegate to the Governor the power to spend that fund for four purposes. Four purposes. The purposes are broadly stated, and if you get down to section D, you discover that the purposes are, in summary, the power to do whatever the Governor wants with low-level nuclear waste within the state of New Hampshire or out of the state of New Hampshire. But low-level nuclear wastes generated in New Hampshire we delegate to the Governor the power to make the policy decisions relative to that product.

Well there was enough concern generated about this bill over the Friday and weekend of this past week, that on Monday there was actually an information session at 10:00 at which a number of folks showed up and presented the Committee with not only some proposed language, which was meant to be helpful and focus the attention of the bill, but it gave us a chance to talk with the Governor's office, Sherry Young, and with some of the administrative staff about what this bill was meant to do. The Attorney General showed up, the Assistant Attorney General, and he said, "This is a bill just to create a fund. That's all we really want." But then later on he said, "Yes, what we want is the fund, ladies and gentlemen. But the bill as drafted does include apparent siting capacities. It does look like it from its siting." So he, the Attorney General, didn't have any worry about narrowing the language a little bit.

The next thing that happened was we learned that this was not a siting bill, said Sherry Young, that what we really needed was some more authority, broader powers, to negotiate with various proposed recipients for this nuclear waste. Well, we've heard that negotiation argument before, haven't we? What's really going on here is the Senate has proposed an amendment which transfers from this policy-making body, this body which represents the will of the people of New Hampshire, to the Governor's office, to various administrative staff, the power to decide for us what's going to happen with low-level nuclear waste. What's happened is that we've tried to present some language to the Committee which narrows the bill down, which focuses on those things which the Governor says he wants. What we've tried to do, folks, is open the window for the Governor's office only as far as it needs to open at this time in order to responsibly deal with the low-level nuclear waste which is being generated at three sites in the state of New Hampshire. What we've also tried to do is avoid just throwing open the window so that somebody can drive a truck through onto the citizens we represent. If there is to be a subsequent decision about low-level siting within the state of New Hampshire, or siting of high-level stuff, let's do that when the time is right, in a piece of legislation that's properly heard and properly debated. Let us not sneak it through in the last week in a way that simply obfuscates the true meaning of the bill and eliminates any chance that people have to discuss this thing. The window doesn't have to go open more than a crack to get the needed ventilation if the Governor is telling us the truth.

What we've done, and I'm certain he's telling us the truth. I'm certain that what we tried to do over the weekend on money is entirely correct. We've prepared amend-

ments in help to the Committee which defines what it is we want to do right now, and that is deal with the disposal of the low-level nuclear waste generated in New Hampshire at three sites. That's what we want to do. That's what the amendments that we proposed should do, and now what we're being told is let's not discuss that. Let's just go with the Senate amendment as originally drafted and take what they have to offer. We shouldn't do it. We shouldn't do it; it's too important, folks. You have the ultimate policy-making power; you should hold onto it, and you should be very careful the extent to which you open this window at this time. Please, focus on what you're being asked to do. It's very important. I know it's hard right now.. There are going to be more speakers to talk to this issue, but stay with us on this one.

Member yielded to question from Rep. Parr.

Rep. Parr: Mr. Speaker, I have several questions, since I have worked with this problem for eight years here, and I'd like to know—this is shocking to me to come back into the state after being away on business and see what has happened. Would you believe that HB 205 wiped out all of the protection the state had as to low-level waste in the state of New Hampshire?

Rep. Burling: Yes, ma'am, I would.

Rep. Parr: Would you believe this bill is actually setting up the mechanism for a low-level radioactive waste siting in New Hampshire? I'm not talking about the low-level radioactive waste site that we have at Mary Hitchcock that takes care of all of the medical waste in New Hampshire and all of the waste from the University of New Hampshire. It will not take care of the waste from Seabrook.

Rep. Burling: Yes, ma'am. And I would say again to anybody who can read the English language as you most clearly can, that's what this bill says. That's what the words say.

Rep. Parr: Would you also believe that because New Hampshire did not join into the federal compact by 1988, New Hampshire is responsible for all of the low-level waste produced in this state? Would you also believe that every low-level radioactive waste site in the United States has refused New Hampshire?

Rep. Burling: I think those are points which really require considerable emphasis. Yes, it is true, we are currently out of sync with what the feds would like the state of New Hampshire to do with regard to low-level nuclear waste. My understanding, and I admit confusion because I have nowhere near the expertise and experience that you do, ma'am, my understanding is the next true roadblock or big dramatic moment in our history comes in 1996. Have I got the right date? Until that happens, it seems to me that we should be dealing with this issue as expeditiously as we can, but as directly as we can. We're under pressure, we ought to be doing something, but we ought to be doing it clearly above board, openly, with full public hearing and discussion. Thank you.

Chair recognizes the member from Boscawen, Rep. Millard, to speak to the motion to recede from the motion of nonconcurrence and request a Committee of Conference.

Rep. Millard: Thank you, Mr. Speaker. This bill came to our Committee on Tuesday, but it did not come to our Committee as a public hearing. It came to our Committee, and we set up an informational meeting so that we, as a Committee, could understand the amendment that was put on by the Senate. We heard the bill a few months ago. It was a siting bill for hazardous waste and solid waste. It then went to the Senate and was amended. It was amended in the Senate because New Hampshire is entering into a contract with the Rocky Mountain Compact. New Hampshire can do

that without a vote of the legislature already. What the state would like, the Governor's office would like, is the ability, which we had to set up by statute, therefore this amendment, to charge the generators for disposal of this waste. You cannot do that now without this amendment. What will happen if we don't pass the bill as amended is that the three major generators, which are Dartmouth College, UNH and Kollsman Instruments, will be sending their waste to the Rocky Mountain Compact, but we, the state, cannot legally charge them up front for that fee. The state will have to pick it up. If Seabrook gets its operating license for low level, we will not be able to charge Public Service for disposing of that waste. The state will have to pick up that bill. For this reason our Committee decided we should pass the bill as it came from the Senate so we are not left paying for the disposal.

The member did not yield to questions.

Chair recognizes Rep. Braiterman to speak to the motion.

Rep. Braiterman: Thank you, Mr. Speaker, members of the House. The motion before you appears innocuous; it is not. It appears to be in a good cause, as Rep. Millard has spoken. And every one of us believes in that cause and wants the fund that Rep. Millard has asked for. We need that fund. However, somewhere along the way, somebody wrote this amendment so that it is more than that fund. What that amendment says is something that I never would have believed I would see come before this House. As that amendment is written, and it's part of a game that you don't even have it in front of you. You don't have this bill. You don't have this amendment. You're asked to vote on something that you do not have in front of you. But if you could ever find it, on Page 10, paragraph 2 of the amendment, it states specifically that this amendment gives the governor of New Hampshire, all by himself, without consulting anybody, not even the Executive Council, no public hearing, without the establishment of any criteria for dump siting, it gives him the right to site and manage a low-level nuclear waste dump within the state of New Hampshire. We want what Rep. Millard wants. We want that fund. We want New Hampshire to be responsibly able to enter into the contract that Rep. Millard spoke about. But we do not want to abrogate the powers of this House, the powers of the people of New Hampshire, to have some say where a low-level waste dump will be in the state of New Hampshire.

Two years ago, 118 New Hampshire towns in town meeting passed a warrant article that instructed their representatives in this House to insist on input from the towns in the siting of a low-level nuclear waste dump. No doubt, your town is one of that 118. What we want to happen is to vote against the motion in front of you, send this to study, so we can give the state exactly what it needs, which is the ability to form a contract to send out our low-level medical and research waste. We want that, and we want responsible waste handling. But at the same time what we're asking for, and if you defeat this motion, you will preserve the democratic processes, you will open the way for us to have public hearings, committee hearings, proper analysis, and I beg you, in the name of the democratic processes of the state of New Hampshire, to vote against the motion before you and let us prepare a proper motion that gives the state what it needs but preserves our democratic processes. Thank you.

Member yielded to questions.

Rep. Wright: Thank you, Mr. Speaker. Rep. Braiterman, my town passed that motion, but I remember very clearly because I was town manager at the time and I had to write up the warrant, it was dealing with a high-level waste facility primarily to do with fuel rods and those types of things, and we're talking about various small amounts of material, things like syringes from hospitals that have given injections for

radiation therapy, and that type of material, and we're not talking about a lot of material. Is it not true that, as a matter of fact, last time I knew it was less than a pickup truck full of material, is it not true that that resolution process was dealing with high-level waste and a dump that was being proposed here for that type of material in this state?

Rep. Braiterman: I, too, Rep. Wright, was involved in writing the warrant article, and it is my understanding it spoke to high-level and low-level waste and asked for input of the towns into any siting processes.

Member yielded to further questions.

Rep. Parr: Rep. Braiterman, would you believe that in the warrant articles that we put in our town warrants, that low-level waste, according to the definition of low-level waste, is hot for 500 years?

Rep. Braiterman: Representative, after what I've seen this afternoon, I would believe anything.

Member yielded to further questions.

Rep. Gilmore: Rep. Braiterman, if I wanted to create a low-level nuclear waste dump and hide it from the people of New Hampshire and from this Legislature, would I do it in the form of an amendment, and reading from this amendment, which I know is not in front of any of you, do it in the form of (a) paying any disposal cost and associated surcharges for the disposal of low-level radioactive waste, (b) hiring of consultants and personnel, (c) purchase, lease or rental of necessary equipment, and d) other necessary expenses directly associated with the management and disposal of low-level radioactive waste?

Rep. Braiterman: Rep. Gilmore, that is exactly what you would do. And you would get it past the Senate so fast that the Senators didn't even know what they were voting on. The Senator from my town of Henniker never knew this amendment was passed. Nor did other Senators who came before the Committee on Monday morning. You would get it past the Senate so fast they didn't know what they were voting on. You would call it miscellaneous business. You would get it before this House in a way that they didn't know what it said and what it implied. That would be an excellent way to fool the people of New Hampshire.

Member yielded to further questions.

Rep. Spear: Thank you, Mr. Speaker. Rep. Braiterman, we heard about a contract with another state for taking our low-level waste. Is that something that the state is currently paying for, so we need to raise the money, or is that something we may have in the future?

Rep. Braiterman: Rep. Spear, I'm sorry I can't give an accurate answer to that. It is my understanding that the state would like to enter into such a contract, and that it has the ability to enter into such a contract. That is my understanding.

Member yielded to further questions.

Rep. Burling: Thank you, Mr. Speaker. Representative, you heard the testimony on Monday of the Governor's assistant. At any point in your involvement with this bill and this proposed amendment, have you heard anybody tell you why the state could not now ask the generators of this low-level nuclear waste for whatever additional monies they need to tranship and store this stuff out of state someplace else? Why can't we do it under the existing law?

Rep. Braiterman: Rep. Burling, that is exactly what I heard. I sat through the hearing on Monday, as did many of us. And that is my understanding. Furthermore, I

heard the member of the Attorney General's office say he does not need a siting bill, so why should we pass a siting bill? He was specific that he did not need this in order to enter into a contract to dispose of our medical and research waste, which is what the state wants to do and which everyone here approves of. Thank you.

Chair recognizes the member from Hampton, Rep. Hollingworth, to speak to the motion.

Rep. Hollingworth: Thank you, Mr. Speaker. I had no intentions of speaking on this bill. Hampton and the Seacoast are pretty much out of the picture as far as siting. A site cannot be located at sea level, so we are not going to have the problem with the siting of a low-level site. But I feel inclined to speak to you because I feel that I need to give you some information that has come out at the hearings and what I've learned. We did make amendments, and I went to the Attorney General and told him what the amendments were and why we were making them, and he told me (this is Dana Bisbee) that, yes, we were correct, that the bill was ambiguous the way it was, that in fact if we didn't clarify it it could be interpreted to be a siting bill. This is what the Attorney General testified before the ED&A Committee. He said that his intention when he wrote the bill was just for a funding mechanism, and that he did not intend, nor did he think that the Governor intended, to use it as a siting mechanism. But, in fact, the way the bill was worded, it could be a siting piece of legislation. That's why we put the amendments in. The federal requirement that we're supposed to meet in 1996 states that every state will either have a site or they will be in a compact. We knew this was coming; we have known for years—three years. We knew we had to do something with our waste. The law says by January 1988 we had to come up with some siting mechanism or someplace for our waste. We hadn't and we haven't done it. I've always said, and you know what my position on Seabrook is, we should have answered that question, low- and high-level waste, at the time of siting. This has always been my argument. We didn't do it. So I'm in a very hard situation here because I'm telling you what I want from you is not to find yourselves in the same situation we find ourselves in at the Seacoast. You should have input.

In New York they passed a bill similar to this. They had 15,000 people come to testify because they picked 10 sites in New York where low-level was going to go. We have to allow a process, and it shouldn't be done like this, on an amendment attached to a Senate bill. It should come in with the whole House supporting if we have to find a siting location or find a compact. Now Rocky Mountain, the one that is a site that the Governor is negotiating for, Rocky Mountain has said, and you probably read it in the paper, that they will take our medical waste but no reactor waste. That's precisely what they said, and it's been in the paper. The reason they don't want to do that is they don't want to take and jeopardize or persuade one way or the other the position on Seabrook. So what they've said is we will do this one thing, and when Seabrook goes on line, we will take and consider the other things, but right now we will only take your medical. We're saying our amendments help that possibility because we are saying to Rocky Mountain, if those are the conditions you're making, then we will go along with that. I want you to understand. I understand the dilemma you're facing because you have nothing in front of you. You don't know what our amendments say. We say that the Governor has to report back to the House. It doesn't say we have to take any action. Our amendments just say he has to report back to us when he kicks this fund in and puts it into action, and what we say is that he can't store any waste in the state of New Hampshire. Next session, and I would like to see, if we went to a Committee of Conference, that this House would vote to have a group such as Edna-

pearl Parr worked with and Rep. Chambers worked with and several other members of this House worked with that addresses this problem in a serious manner. We're not doing it with this piece of legislation. If the Governor needs funding, which I question because I talked to the doctor in charge at Dartmouth who came to testify and he said we own UNH, we can tell UNH they have to put up money. Dartmouth—we are willing to sign right now on the dotted line, we're willing to put up money. And the other company, Kollsman Instruments, they have to abide by what the state says. So the university doesn't understand why this bill is in. But if the Governor is telling us he needs it, I say fine. We'll give him the funding mechanism. The rest of it he has to come back next session to this House.

That's basically all I can tell you. There is tons of information. Every state out there is facing the same crucial guidelines. They either have to find a site within their state or they have to find a place to send it. And Massachusetts, Vermont, Maine and New Hampshire have not taken action yet. We're the only states—Maine has said they will site a place within their state, but they are having an authority set up to determine and hold public hearings where that site's going to be. If we pass this, there is no chapter, law, nothing on our books that says where this will be sited. There is absolutely nothing there. We have no protection.

Member yielded to questions.

Rep. Sherburne: Rep. Hollingworth, I think we heard the same testimony together. What I got out of the testimony, it seemed to me, was an urgency to establish a fund in order to take advantage of the possibility of getting a contract. There are just a few states left that can accept this low-level nuclear waste. Can you explain to me how we're going to manage this in the time-frame we've been told about if we cancel this and wait a year or so down the road? Time is of the essence.

Rep. Hollingworth: I don't think I'm asking you to cancel it; I'm asking you to give him the funding if he says he needs it. And that can be done in a Committee of Conference. There's one section in there that says "funding." There is another whole page that goes into the siting and everything else. If we pass the funding mechanism, that we can do now. The rest we can come back and take action on later. That is what I would like this House to do. You can set up your protections for your process that way. As far as the testimony being crucial, and places being willing to take it, Maine and Vermont are going to Texas in what they're calling the "Turf'n'Surf." They have the steer and the lobster as being their "turf" and "surf." And Texas is going to be taking possibly those two states. So it seems very strange, we knew we had to do this for years. We knew that the Governor or somebody had to make an action with a contract with a compact, why in fact they testified that they knew last February. They knew in February that they had this problem. Why did they bring it in on an amendment to the Senate bill if they knew it was so crucial? That's what I have a problem with, unless there is more than what meets the eye here.

Rep. Keans: Thank you, Mr. Speaker. Ladies and gentlemen, I hope that you freshmen out there, and I know some of our legislators have been around a long time, recognize that the process sometimes gets messed up, and today, ladies and gentlemen, it has been messed up.

Let me just issue some of the facts as I heard them at the public information session. Dr. Brian Strohm, who is charged with administering this, has said, "I have been talking about this for eight years." How come we haven't dealt with it? Why

wasn't there a piece of legislation entered? He couldn't find one out of 400 people to introduce it? Dr. Strohm, who is charged with administering this, hasn't talked with the people out at Rocky Mountain. Somebody from the Attorney General's office, and somebody from Hazardous Waste has talked with them, but not Dr. Strohm. Fact: The Attorney General's office has been dealing with this issue since February. Now think about it folks, how many times have we suspended the rules since February to get stuff through here? Are you telling me that they couldn't get something suspended so we could at least discuss this? Hard for me to believe. Fact: Rocky Mountain Compact will not take waste generated at a power plant. They will only take the medical and hospital waste. Fact: The Dartmouth individual who is in charge of management has said that he in fact doesn't have a storage problem because 95% of it has such a low radiation life, that in six weeks most of it has lost its radiation and can then be compacted and be put in a hazardous waste site. What I'm saying to you folks is something is being put over on you. And I think what you need to do is let the process at least as far as we know what it is, last week we voted to nonconcur and set up a Committee of Conference, let's go forward and do that and see what the Committee of Conference can come up with, instead of ramrodding something through here today that has had no public hearing. Go back and tell your constituents, "Oh yeah, we're going to have low-level siting now, but we didn't bother to tell you."

So I'm asking you, vote no on this motion that is on the floor and let's get on with the process. Thank you.

Member yielded to questions.

Rep. Chambers: Mr. Speaker, is it not true that we have an opportunity here today to correct the process, set up the Committee of Conference and deal with this issue directly, and give the Governor the necessary tools that he needs to do the job?

Rep. Keans: You're absolutely right and the thing that amazed me, Rep. Chambers, was the number of people that showed up with just a little notation in the calendar and very little notice last week, that are concerned about this issue, and I think we ought to let the process go forward.

Rep. Palumbo: Mr. Speaker, it's that time of year when it's hot, you can easily get emotional. We have a process that has worked very, very well for 200 years let alone the past few years. Let's go over the process portion before we get into the bill.

The Senate had HB 586, passed by this body into their body for consideration. HB 586, an act relative to siting and permitting of solid and hazardous waste disposal facilities; to forfeiture of property for solid waste management violations. That was a bill they were considering in the Senate. At the same time the Governor's office has been negotiating, or trying to put together under the guidelines established by federal law a means by which the state of New Hampshire is going to properly and appropriately dispose of its radioactive waste. That process is still going on. What the Governor's people want to make sure happens is that the generators of radioactive waste in this state are the people or the companies that pay for its proper disposal. They worked out language based on hazardous waste siting language currently in law and presented quite properly and appropriately the amendment in the Senate. The Senate went along with the amendment, put it on. Because it was a House bill, it comes back to the House for concurrence, nonconcurrence and set up a Committee of Conference, or just plain nonconcurrence. Under the rules of the House that we've established and the policy that the Speaker has put forward has been that no one individual

goes forward and unilaterally makes a decision, but you take the issue back to the Committee. In this particular instance because it was a rather emotional subject, they not only just took the question of whether or not this should be concurrence, nonconcurrence or set up a Committee of Conference to the Committee, but they had an informational meeting. They stretched the limits of openness, and people came and testified and spoke about what the amendment does or does not do. And today, the Committee voted, and the vote was 14-4 to concur. That's the process.

Now, let's get into the specifics of what the amendment is doing. It starts with Section 15, House Bill 586-FN, the House bill amended by the Senate. It adds a new section: low-level radioactive waste management fund. It adds a statute: 125-F:8-a. There is hereby established in New Hampshire a low-level radioactive waste management fund to be used for the purposes of this section. This non-lapsing, revolving special fund is hereby continually appropriated to be expanded by the Division of Public Health Services in accordance with this section. Money collected under this section but not needed to meet the obligations of the Division of Public Health Services under this section shall be deposited in the New Hampshire low-level radioactive waste management fund. The State Treasurer shall invest the monies so deposited as provided by law. Interest received on investments made by the State Treasurer shall also be credited to the fund. II: The fund shall be used to provide for the adequate and safe management and disposal of the low-level radioactive waste generated within New Hampshire. After the Governor certifies that circumstances require the use of the fund, the Division of Public Health Services may enter into contracts, agreements or consultative services and use the fund for the following purposes:

A) Paying any disposal costs and associated surcharges for the disposal of the low-level radioactive waste; b) hiring of consultants and personnel; c) purchase, lease or rental of necessary equipment; and d) other necessary expenses directly associated with the management and disposal of low-level radioactive waste.

Now that's the portion of the amendment that has generated the degree of controversy here today. What happens in all of these types of situations when you set up a revolving fund, you have to specify what the monies are going to be used for. In every single instance, it is almost impossible to itemize each and every instance where you're going to appropriately draw down from an account and spend that money. You build into laws when they're established this way a degree of flexibility so that you can appropriately draw down from those funds and spend money.

What's happening here is there's a creation of another red herring. What they're trying to say is this language is so loose that some governor, unilaterally without any sense, is going to go forward and site a radioactive waste disposal facility within this state and pay no consequences. Well that's bunk. The people in the state of New Hampshire are not going to stand by and unilaterally allow someone to site a low-level radioactive site within these borders. It would be like committing political suicide.

The amendment further reads that every generator of low-level radioactive waste located in this state which exports the waste for disposal shall pay quarterly a low-level radioactive waste generator fee to the Division of Public Health Services. And that's getting to the essence. What we're trying to ensure here is that the general fund doesn't pay for the proper and safe disposal out of state radioactive waste, that the generators pay for that disposal. And that does appear to be reasonable and responsible. The rest of that "III" goes on to explain how the quarterly fee gets paid; "IV" deals with any low-level radioactive waste disposal surcharge collected by the appropriate federal agency pursuant to the low-level radioactive waste policy act of 1980,

which we've heard talked about today, in return to the state of New Hampshire shall be deposited in the same fund that we're creating. What we have to remember is that New Hampshire isn't all alone in a vacuum out there on this issue; the federal government is mandating to the states, and appropriately so, that they establish proper, reasonable, responsible and safe ways of disposing of their radioactive waste. And again, we want to make sure that the generators in our state do the paying. That is the essence of the amendment.

The low-level radioactive waste policy act of 1980, when it was passed at the federal level, has been changed a number of times. As recently as this year, the final date whereby states have to decide what, where and how they're going to do with their radioactive waste was 1992. As of this moment it is actually in 1996. That is the essence of the amendment, and if you can read in there in those words that you're going to be siting low-level radioactive waste in the state of New Hampshire, I don't see that at all. Again, we're establishing a revolving fund, the generators are going to pay, and the waste is going to be properly and safely removed. So I hope you can go along with the 14-4 recommendation of the Environment and Agriculture Committee to concur with the amendment.

Member yielded to questions.

Rep. Wright: Thank you, Mr. Speaker. Rep. Palumbo, would you not agree with me that if we don't do something and get a contract with Rocky Flats or wherever, that we have 100 secret low-level waste dumps? In my town I know of at least one—it's a doctor's office that has an X-ray machine, and all that stuff is in the basement. It's got to go someplace. And isn't it about time that we clean up our own mess?

Rep. Palumbo: Rep. Wright, I don't think anyone would argue that fact with you. What you have to understand is in the general annotation of what the funds can be expended on, we're talking about provisions to make sure the state, again paid for by the generators of radioactive waste, can go out and purchase or lease the appropriate monitoring equipment or whatever to make sure that all of the radioactive waste is accounted for and is appropriately and safely disposed of.

Rep. Dunn: Mr. Speaker, Rep. Palumbo, this is a vital issue; it is not new. I listened carefully to your comments; I cannot understand the nuclear waste issue coming in on a bill which started out as hazardous waste and solid waste. Can you just explain why it has come in as an amendment on nuclear?

Rep. Palumbo: Rep. Dunn, I can never stand here and say that I can explain the thinking that went on in the other chamber. The fact remains is they had House Bill 586 to dispose of and listen to debate on and whatever. The Governor came into the Senate and proposed this amendment to the bill, and the Senate listened to the testimony and amended 586 with this language. And again, the reason it is somewhat unusual is because it is the House bill. They make this amendment, I mean it happens hundreds of times, obviously, and the issues always go back to the Committees, the Committees vote to decide on what they want to do with the amendment, and in this instance, the Committee has voted to concur.

Rep. Hawkins: Thank you very much, Mr. Speaker. Being a neophyte at this, can you tell me if there are any people right now generating low-level waste that weren't generating low-level waste a year ago?

Rep. Palumbo: I suppose there could be. I don't believe so, Rep. Hawkins, but you said could any, anywhere in this ...

Rep. Hawkins: It is my understanding that someone today got up and said there were three locations generating low-level waste. I guess maybe I know two of them, one might be the University of New Hampshire, one might be Dartmouth. I haven't yet found out from anyone who the third one was.

Rep. Palumbo: Kollsman Instruments.

Rep. Hawkins: It is my understanding that the deadlines that we're trying to get to today—that that deadline is 1992, and I ask why we come up the last eight or nine or ten days of the session if the deadline is 1992 and we have to make the decision today since we're meeting in annual sessions?

Rep. Palumbo: Because right now the Governor's office in the state of New Hampshire is negotiating to get into a low-level radioactive waste compact, and we want to make sure we have the fund in place where the generators of low-level radioactive waste are going to pay for that ultimate disposal. So that process is ongoing right now, and hopefully well before we come under the deadlines mandated by the federal government we're going to have this issue put to bed and a low-level compact created.

Rep. Hawkins: This is my whole confusing point of this. If the Governor wants to negotiate and sets down final negotiations, we still don't have to pass this today. We can come back next year after the Governor has negotiated and finally find exactly what they want, I guess the Speaker disagrees with me, but no one today says that we have to put in place something that says that the people that generate this have to make payment for it. I don't understand that. Why do we have to pass this legislation if the only thing we're passing is that the people themselves who generate the low-level waste must pay for it? It seems like if that's what this is all about, why do we need a four- or five-page amendment that says that's what we want to do?

Rep. Palumbo: It is not a four- or five-page amendment, and I did almost read the entire portion of the amendment. Again, when you set up revolving fund accounts or special fund accounts, as this is, you always have to clearly state in law why and for what reasons you can legally draw down the money and expend it. And again, that language is always flexible because you cannot list every single instance reasonably that you can spend down that money legally on.

Rep. Arnesen: Thank you, Mr. Speaker. Rep. Palumbo, you were talking about the fact that he needs this for a specific purpose. In fact it's the Rocky Mountain Compact and it's for no other reason. And if that's the case and he needs flexibility for the Rocky Mountain Compact, why then does he need to opt to non-specific language that says "other necessary expenses directly associated with the management and disposal of low-level radioactive waste?" It does not specify where, it does not specify how he spends it. It gives him a blank check to do anything, and yet he claims he needs it for a specific purpose. Why aren't you comfortable in specifying it in the legislation today instead of giving him a wide-open door?

Rep. Palumbo: First of all, the state of New Hampshire should have in place its funding mechanism when it goes into these negotiations, and you know as well as I that it may not be the Rocky Mountain; it may be another compact. That is not set in stone. What you're doing here is making sure you have established the funding mech-

anism and how you're going to pay for it, and you go forward and then complete the negotiations.

Rep. Arnesen: My understanding was the reason he came in here in an emergency situation with no public hearing was not because of any old contract, but because of the Rocky Mountain Compact contract, and time was of the essence as to that specific contract. If you are telling me he may need it for something else, then in 1990 let's deal with the whole issue, but don't make it the whole issue now when it is just the contract dealing with Rocky Mountain. Why can't you be specific today and be expansive in January?

Rep. Palumbo: Because Rocky Mountain isn't the only compact that exists out there. And between now and January 1990, other negotiations can properly be entered into, and yes a compact can be established with another appropriate entity.

Rep. Arnesen: Would you believe, Mr. Palumbo, that I believe we have plenty of time to deal with the other compacts and contracts, but now we should be specific. Thank you.

Rep. Guay: Rep. Palumbo, would you agree with me that the industries today are using more and more radioactive material? The nursing homes and all the medical centers that are being created in this state are utilizing the medical waste, and actually it's time we passed a bill here today that we can address that problem and have the administrative parts, which is the Governor and his part, to participate in it.

Rep. Palumbo: Yes, Rep. Guay, it isn't only here in New Hampshire, but it's a nationwide problem. And our Congress has recognized that as such, and that's why they've gone forward and they did adopt back in 1980 the low-level radioactive waste policy. And in that policy, they are mandating times specific for the states to make sure they have their acts in order for the proper and safe disposal, and before states can go forward and properly and completely negotiate contracts with a compact or within a compact, in our case we want to make sure we have a fund in place whereby the generators of that waste are going to be paying.

Member yielded to further questions.

Rep. Popov: Thank you, Mr. Speaker. Rep. Palumbo, you stated that it is not implied in the amendment in any way that this allows us to site radioactive wastes from Seabrook. If that is the case, can you tell me why there is any harm in saying in writing, loud and clear, how can it hurt your getting the funds to deal with the medical wastes. If you say this is meant to be to site Seabrook, say it loud and clear. Why can't we? How does that destroy your being able to get funds to deal with what we have now?

Rep. Palumbo: Rep. Popov, if Seabrook Nuclear Power Plant operates and generates radioactive waste, you're darned sure I want to make sure that waste is going to be included in any compact and will be properly and appropriately paid for, not by the taxpayers, but by the generator and then shipped appropriately into the compact.

Rep. Popov: Rep. Palumbo, if that's the case and that's how you felt when this was given to my Committee to deal with, why weren't we told up front loud and clear that this had to, in your opinion, deal with Seabrook's wastes?

Rep. Palumbo: Rep. Popov, I did not testify in front of your Committee. I am assuming that the arguments were clearly made, either in the Senate, at your informational hearing on just what the intent was.

Rep. Popov: Sorry, that's a wrong assumption. That was never made clear to us. Never.

Question before the House is a motion offered by Rep. Greene that we recede from our position whereby we nonconcurrent and set up a Committee of Conference. Are you ready for the question? We have a request for a roll call.

Reps. Burling, Braiterman, Hollingworth and Keans spoke against the motion and yielded to questions.

Reps. Millard and Palumbo spoke in favor of the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 184

NAYS 137

YEAS 184 BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Randall, Kenneth A.
Turner, Robert H.

Bolduc, Dennis R.
Hawkins, Robert S.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rosen, Ralph J.

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Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

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Saunders, Howard N.

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Wiggin, Allen R.

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Sawyer, Alfred P.

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Lemire, George

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Stewart, Roger
Ward, Kathleen W.

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Weymouth, Philip H.

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Hultgren, David D.
Kelley, Robert N.
Lawrence, Norman B.
McCann, Bonnie Lou
Ouellette, Robert O.
Record, Alice B.

Andrews, Frederick B.
Cowenhoven, Garret P.
Desrosiers, William J.
Drolet, Paul L., Jr.
Fields, Dennis H.
Goulet, Maurice E.
Jasper, Shawn N.
Knight, Alice Tirrell
Lefebvre, Roland J.
McNerney, Daniel P.
Pappas, Toni
Riley, Frances L.

Bicknell, Robert C.
Cox, Gladys M.
Dodge, Emma M.
Dyer, Merton S.
Gagnon, Gabrielle V.
Holden, Carol H.
Keefe, Edmund M.
Kurk, Neal M.
Mason, Howard F.
Morrissette, Roland A.
Perham, Lester R.
Rodgers, G. Philip

Sallada, Roland A.
Stiles, Walter A.
Tyree, Paul M.
Wright, George W.

Searles, Stanley N., Sr.
Tarpley, Nancy L.
Vanderlosk, Stanley R.

Steiner, Lee Anne S.
Turgeon, Roland M.
Wheeler, David K.

MERRIMACK

Boucher, Laurent J.
Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.

Fillion, Paul R.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.

Fraser, Leo W., Jr.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Provencal, Leo A.
West, George M.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Cote, Patricia L.
Flanders, Harry E.
Haynes, Richard L.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McKinney, Betsy
Raynowska, Bernard J.
Sherburne, John L.
Sochalski, Matthew M.
Welch, David A.

Boucher, William P.
Campbell, Eunice M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Hoelzel, Kathleen M.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Schmidtchen, Rowland
Simon, Peter M.
Stachowske, Vicki
Wells, Henry E.

Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Flanagan, Natalie S.
Greene, Elizabeth A.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Seward, Russell G.
Skinner, Patricia M.
Warburton, Calvin
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Frechette, Roland A.
Musler, George T.
Swope, Warren L.
Young, John B.

Bernard, Mary E.
Dionne, Albert J.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

Bickford, Drucilla
Foss, Patricia H.
Martling, W. Kent
Stewart, Glenn W.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 137

BELKNAP

Golden, Paul A.
Richardson, Lawrence

Maviglio, Steven R.
White, James J.

Pearson, Ralph W.

CHESHIRE

Barber, Robert E., Jr.
Crutchley, Donald O.
Hunt, John B.
Pratt, Irene A.

Blacketor, Paul G.
Foster, Katherine D.
LaMar, David M.
Spear, Susan S.

Cole, Kenneth A.
Hill, Douglas E.
Matson, William R.

COOS

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Nelson, Harold D.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.
Copenhaver, Marion L.
LaMott, Paul I.
Teschner, Douglass P.

Bennett, Shirley M.
Densmore, Edward D.
Markley, J. Keith

Chambers, Mary P.
Guest, Robert H.
Nordgren, Sharon L.

HILLSBOROUGH

Ahrens, Frederick G.
Barry, Vivian
Brady, Carolyn L.
Drabinowicz, A. Theresa
Dykstra, Leona
Foote, Herbert N., Sr.
Green, Scott E.
Hall, Betty B.
Jean, Romeo W.
King, John A.
Lown, Elizabeth D.
McRae, Karen
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Reidy, Frank J.
Soucy, Lillian E.

Baldizar, Barbara J.
Biondi, Christine A.
Desrochers, Gerard T.
Dube, Ellen C.
Elliott, Larry G.
Ford, Nancy M.
Guilbert, Lionel
Healy, Daniel J.
Jenkins, Mary
Lachut, Ervin R.
Lozeau, DonnaLee M.
Messier, Irene M.
Packard, Bonnie B.
Prestipino, Bartolo V.
Rheault, Lillian I.
Wihby, Linda S.

Barry, Janet G.
Bourque, Ann J.
Domaingue, Jacquelyn M.
Dwyer, Patricia R.
Flood, Jacqueline J.
Frank, Nancy G.
Gureckis, Adam C., Sr.
Hunter, Bruce F.
Johnson, Lionel W.
Long, Linda D.
McDowell, James E.
Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Robinson, Ellen-Ann

MERRIMACK

Barberia, Richard A.
Carter, Susan D.
Fair, Patricia A.
Jacobson, Alf E.
Trombly, Rick A.

Beaton, Nancy C.
Daneault, Gabriel
Gilbreth, Robert M.
Soldati, Jennifer
Wallner, Mary Jane

Braiterman, Thea G.
Dunn, Miriam D.
Hall, Douglas E.
Teague, Bert

ROCKINGHAM

Anderson, Carl F., III
Conroy, Janet M.
Forsythe, Douglas G.
Hoar, John, Jr.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Popov, Elizabeth M.
Rosencrantz, James R.
Vaughn, Charles L.

Bell, Juanita L.
Dube, LeRoy S.
Gage, Beverly A.
Hollingworth, Beverly A.
Mace, Ada L.
Pantelakos, Laura C.
Remick, Barbara R.
Sanderson, Patricia O.
Weddle, Michael R.

Caswell, Albert, Jr.
Ford, Bert H.
Gage, Thomas U.
Kane, Cecelia D.
McCain, William F.
Parr, Ednapearl F.
Ritzo, Eugene
Senter, Merilyn P.

STRAFFORD

Burton, Wayne M.
Flynn, Edward J.
McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.

Callaghan, Robert J.
Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Wall, Janet G.

Flynn, Anita A.
Keans, Sandra B.
O'Brien, John
Spencer, Leo J.
Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
Lucier, Edward A., Jr.

Burling, Peter Hoe
Stamatakis, Carol M.

Domini, Irene C.

and the motion was adopted.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

Rep. Elizabeth Greene moved that the House concur with the Senate amendment.
(Amendment printed SJ 21, 5/4/89)

A roll call was requested. Sufficiently seconded.

YEAS 188

YEAS 188

BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Maviglio, Steven R.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
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Wiggin, Allen R.

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Desrochers, Gerard T.
Donovan, Francis X.
Fields, Dennis H.
Goulet, Maurice E.
Jasper, Shawn N.
Knight, Alice Tirrell
Lefebvre, Roland J.
McNerney, Daniel P.
Pappas, Toni
Rheault, Lillian I.
Sallada, Roland A.

Bicknell, Robert C.
Cox, Gladys M.
Desrosiers, William J.
Drolet, Paul L., Jr.
Gagnon, Gabrielle V.
Gureckis, Adam C., Sr.
Keefe, Edmund M.
Kurk, Neal M.
Mason, Howard F.
Morrisette, Roland A.
Perham, Lester R.
Riley, Frances L.
Searles, Stanley N., Sr.

Steiner, Lee Anne S.
Tyree, Paul M.
Wright, George W.

Stiles, Walter A.
Vanderlosk, Stanley R.

Tarpley, Nancy L.
Wheeler, David K.

MERRIMACK

Boucher, Laurent J.
Hager, Elizabeth
Holmes, Mary C.
Lewis, Mary Ann
Nichols, Avis B.
Phelps, James D.
Stio, Peter M.

Fraser, Leo W., Jr.
Hayes, Robert C.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
Provencal, Leo A.
West, George M.

Gross, Caroline L.
Hill, Michael
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.
Shaw, Randall F.

ROCKINGHAM

Benton, Richardson D.
Brown, Lewis W.
Cote, Patricia L.
Flanders, Harry E.
Haynes, Richard L.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Schmidtchen, Rowland
Sherburne, John L.
Sochalski, Matthew M.
Welch, David A.

Boucher, William P.
Campbell, Eunice M.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Johnson, Robert A.
King, Roger C.
MacDonald, Maurice B.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Senter, Marilyn P.
Simon, Peter M.
Stachowske, Vicki
Wells, Henry E.

Brown, Jeffrey M.
Chase, Lawrence A., Jr.
Flanagan, Natalie S.
Greene, Elizabeth A.
Katsakiores, George N.
Klemarczyk, Thaddeus E.
Magoon, Harold F.
McKinney, Betsy
Raynowska, Bernard J.
Seward, Russell G.
Skinner, Patricia M.
Warburton, Calvin
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Frechette, Roland A.
Musler, George T.
Swope, Warren L.
Young, John B.

Bernard, Mary E.
Dionne, Albert J.
Kinney, Paula J.
Parks, Joe B.
Torr, Ann M.

Bickford, Drucilla
Foss, Patricia H.
Martling, W. Kent
Stewart, Glenn W.
Tsiros, William

SULLIVAN

Behrens, Thomas A.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 133

BELKNAP

Golden, Paul A.

Pearson, Ralph W.

Richardson, Lawrence

CHESHIRE

Barber, Robert E., Jr.
Foster, Katherine D.
Matson, William R.

Blacketor, Paul G.
Hill, Douglas E.
Pratt, Irene A.

Crutchley, Donald O.
LaMar, David M.
Spear, Susan S.

COOS

Kilbride, Dennis J.
Woodburn, Jeffrey R.

Nelson, Harold D.

Oleson, Otto H.

GRAFTON

Arnesen, Deborah L.

Bennett, Shirley M.

Chambers, Mary P.

Copenhaver, Marion L.
LaMott, Paul I.

Ahrens, Frederick G.
Barry, Vivian
Brady, Carolyn L.
Dube, Ellen C.
Elliott, Larry G.
Foote, Herbert N., Sr.
Green, Scott E.
Healy, Daniel J.
Jenkins, Mary
Lachut, Ervin R.
Lozeau, Donnalee M.
Messier, Irene M.
Packard, Bonnie B.
Prestipino, Bartolo V.
Robinson, Ellen-Ann
Wihby, Linda S.

Barberia, Richard A.
Carter, Susan D.
Fair, Patricia A.
Hall, Douglas E.
Teague, Bert

Anderson, Carl F., III
Conroy, Janet M.
Forsythe, Douglas G.
Hoar, John, Jr.
Kane, Cecelia D.
McCain, William F.
Pantelakos, Laura C.
Remick, Barbara R.
Sanderson, Patricia O.

Burton, Wayne M.
Flynn, Edward J.
McCann, William H., Jr.
Pelley, Janet R.
Sullivan, Henry P.

Brodeur, Robert J.
Lucier, Edward A., Jr.

Densmore, Edward D.
Nordgren, Sharon L.

HILLSBOROUGH

Baldizar, Barbara J.
Biondi, Christine A.
Domaingue, Jacquelyn M.
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Guilbert, Lionel
Holden, Carol H.
Johnson, Lionel W.
Long, Linda D.
McDowell, James E.
Murphy, Robert E.
Pepino, Leo P.
Provost, Gilles R.
Soucy, Lillian E.

MERRIMACK

Beaton, Nancy C.
Daneault, Gabriel
Fillion, Paul R.
Jacobson, Alf E.
Trombly, Rick A.

ROCKINGHAM

Bell, Juanita L.
Dube, LeRoy S.
Gage, Beverly A.
Hoelzel, Kathleen M.
MacKinnon, Nancy W.
McGovern, Cynthia A.
Parr, Ednapearl F.
Ritzo, Eugene
Vaughn, Charles L.

STRAFFORD

Callaghan, Robert J.
Gilmore, Gary R.
Merrill, Amanda A.
Scharff, Thomas E.
Wall, Janet G.

SULLIVAN

Burling, Peter Hoe
Stamatakis, Carol M.

Guest, Robert H.
Stewart, Roger

Barry, Janet G.
Bourque, Ann J.
Drabinowicz, A. Theresa
Dykstra, Leona
Flood, Jacqueline J.
Frank, Nancy G.
Hall, Betty B.
Jean, Romeo W.
King, John A.
Lown, Elizabeth D.
McRae, Karen
O'Rourke, JoAnne A.
Pignatelli, Debora B.
Reidy, Frank J.
Turgeon, Roland M.

Braiterman, Thea G.
Dunn, Miriam D.
Gilbreth, Robert M.
Soldati, Jennifer
Wallner, Mary Jane

Caswell, Albert, Jr.
Ford, Bert H.
Gage, Thomas U.
Hollingworth, Beverly A.
Mace, Ada L.
Micklton, Stephanie K.
Popov, Elizabeth M.
Rosencrantz, James R.
Weddle, Michael R.

Flynn, Anita A.
Keans, Sandra B.
O'Brien, John
Spencer, Leo J.
Wheeler, Katherine Wells

Domini, Irene C.

and the House concurred with the Senate amendment.

Reps. Sytek and Hinrichsen abstained from voting under Rule 16.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Tuesday, May 23 at 11:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 144, relative to blood alcohol tests.

SB 45, relative to child support enforcement.

Rep. Phelps moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 3:50 p.m.

RECESS

CONFEREE CHANGES

SB 111 Rep. Bolduc replaces Rep. Lewis

HB 50 Rep. Mace replaces Rep. Upton

HB 117 Rep. Sawyer replaces Rep. M. Campbell

HB 260 Rep. Bolduc replaces Rep. Skinner

HB 464 Rep. Tsiros replaces Rep. Hynes

SB 67 Rep. Palumbo replaces Rep. Millard

SB 71 Rep. Lewis replaces Rep. Drake

SB 73 Rep. Phelps replaces Rep. Palazzo; Rep. Sytek replaces Rep. Stachowske

SB 150 Rep. Marsh replaces Rep. Alukonis

Rep. Channing Brown moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 28

Tuesday, May 23, 1989

(Deputy Speaker Burns in the Chair)

The House assembled at 11:10 a.m., the hour to which it stood adjourned, and was called to order by the Deputy Speaker.

Prayer was offered by guest Chaplain Rev. Thomas Keenan, pastor of Immaculate Heart of Mary Church in Concord.

Lord God of heaven and earth, we thank You for Your gifts this day. What we receive from You is ours not to hoard, but to share with those we serve.

You have blessed this body with intelligence and wisdom, with a sense of justice, fairness and responsibility for the common good.

As these days of deliberation approach their end, fortify these legislators against fatigue, protect them from the carelessness that tolerates what is flawed or self-serving. Sharpen the pride they take in producing legislation of good quality; laws that will protect the public interest and benefit the lives of all the people.

We ask this blessing of You, sovereign Lord, who prepared us for this task, and who will guide us to its completion. Amen.

Rep. Carter led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Beaupre, Ann Derosier, MacKinnon and Vivian Barry, the day, illness.

Reps. Douglas Hill, Teague, Ralph Torr, Gordon Flint, Lawrence Chase, Gerald Smith, Simon, Drake, Kincaid, John King, and Markley, the day, important business.

Reps. Joseph MacDonald, Hynes and Bucu, the day, illness in the family.

INTRODUCTION OF GUESTS

Betty Mutney of Grantham and Kathleen Freese of Sunapee, guests of Rep. Schotanus; Debra Callaghan and John Lyscars of Manchester, guests of Rep. Callaghan; Claudia Stuer of Muenster, West Germany, guest of Rep. Betty Hall; Carol, Diana, James and Melissa Palumbo, wife and children of Rep. Palumbo; Peggy Rochette, Planning Assistant of the town of Lee, and Ann Chaplin, Program Director for the Strafford County Conservation District, guests of Rep. Burton; Kristine Tanaka of Ocean City, NJ, daughter of Rep. Larson; Margaret Stuart, guest of Rep. Avery.

ENROLLED BILL AMENDMENT

SB 9, to clarify how to designate highways to summer cottages.

Amendment

Amend RSA 231:81, II(a) as inserted by section 1 of the bill by replacing line 2 with the following:

of RSA 231:8-12; or

This amendment corrects a citation.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 10

The committee of conference to which was referred Senate Bill 10, An Act repealing a chapter on floating timber and damage therefrom having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3; Sen. Preston, Dist. 23; Sen. Delahunty, Dist. 22.

Conferees on the Part of the House:

Rep. Wiggin, Carr. 4; Rep. Marston, Straf. 6; Rep. Blanchard, Rock. 26; Rep. Lewis, Merr. 5.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 24

The committee of conference to which was referred Senate Bill 24, An Act relative to liquor store displays and promotions having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 177:8, I as inserted by section 1 of the bill by replacing it with the following:

177:8 Retailer Advertising Specialties.

I. An industry member may furnish, give, rent, loan, or sell retailer advertising specialties to a retailer if such items bear advertising material and are primarily valuable to the retailer as a means of advertising. These items may include, but are not limited to; coasters, mats, menu cards, wine lists, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks and calendars. No advertising of liquor or beverages shall be allowed through the use of either electric or directly or indirectly illuminated signs, inside or outside the licensed premises. The name or name and address of the retailer may be added to the advertising specialty.

Amend the bill by replacing section 9 with the following:

9 Repeal. RSA 175:16, III, relative to intervening in the liquor commission's policies regarding products, is repealed.

10 Effective Date. This act shall take effect July 1, 1989.

Amend the bill by deleting section 4 and renumbering sections 5-10 to read as 4-9, respectively.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Bartlett, Dist. 19; Sen. Stephen, Dist. 18.

Conferees on the Part of the House

Rep. Kelley, Hills. 13; Rep. Behrens, Sull. 3; Rep. Phelps, Merr. 1; Rep. Lemire, Coos 8.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 27

The committee of conference to which was referred Senate Bill 27, An Act relative to the liability of landowners for pollutant clean-up having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 147-B: 10-a, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) He can prove that he had no knowledge or reason to know of the hazardous substance problem prior to his purchase of the property. To establish that the defendant had no reason to know, as provided in this subparagraph, the defendant must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability.

Conferees on the Part of the Senate:

Sen. Bond, Dist. 1; Sen. Bass, Dist. 11; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Martling, Straf. 4; Rep. Thomas Gage, Rock. 13; Rep. Kurk, Hills. 3; Rep. Spear, Ches. 13.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 33-A

The committee of conference to which was referred Senate Bill 33-A, An Act relative to construction on the Spaulding turnpike and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Torr, Dist. 21; Sen. Dupont, Dist. 6; Sen. Krasker, Dist. 24.

Conferees on the Part of the House:

Rep. Marsh, Coos 1; Rep. C. Brown, Graf. 13; Rep. R. Pearson, Belk. 5; Rep. Frechette, Straf. 8

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 51-FN

The committee of conference to which was referred Senate Bill 51-FN, An Act relative to the Christa McAuliffe planetarium having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Position Added. Amend RSA 94: 1-a, I by inserting in group M, Director, Christa McAuliffe planetarium.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3; Sen. McLane, Dist. 15; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Fillion, Merr. 15; Rep. Townsend, Graf. 13; Rep. Sallada, Hills. 4; Rep. Drabinowicz, Hills. 32.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 52

The committee of conference to which was referred Senate Bill 52, An Act relative to drug paraphernalia having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 318-B:2, II-a as inserted by section 2 of the bill by replacing it with the following:

II-a. It shall be unlawful for any person, at retail, to sell or offer for sale any drug paraphernalia listed in RSA 318-B:1, X-a.

AMENDED ANALYSIS

This bill redefines "drug paraphernalia" for purposes of the controlled drug act to include objects which are customarily intended for use with drugs.

The bill prohibits persons, at retail, from selling or offering for sale drug paraphernalia.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Nelson, Dist. 13; Sen. Charbonneau, Dist. 14.

Conferees on the Part of the House:

Rep. Lozeau, Hills. 25; Rep. Hultgren, Hills. 1; Rep. Record, Hills. 23; Rep. Murphy, Hills. 40

Rep. Lozeau explained the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 67-FN

The committee of conference to which was referred Senate Bill 67-FN, An Act relative to regulation of excavation of sand, gravel, and construction aggregate having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 155-E:2, I(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Such an excavation site may not be expanded, without a permit under this chapter, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and has been appraised and

inventoried for property tax purposes as part of the same tract as the excavation site as of that date, as modified by the limitations of RSA 155-E:4-a, I and II. In this paragraph the term "contiguous" means land whose parameter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. It is further provided that when such excavation is not allowed by local zoning or similar ordinances in effect on the effective date of this section regulating the location of the excavation site, expansion may be restricted or modified with conditions by order of the planning board if after notice to the owner and a hearing, the board finds that such expansion will have a substantially different and adverse impact on the neighborhood.

Amend RSA 155-E:2, III as inserted by section 3 of the bill by replacing it with the following:

III. Stationary Manufacturing Plants.

(a) No permit shall be required under this chapter for excavation from an area which on the effective date of this section is contiguous to or is contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such areas. Such excavation shall be performed in compliance with the operational standards of RSA 155-E:4-a and the reclamation standards of RSA 155-E:5 and 155-E:5-a, and may be expanded without a permit under this chapter to any contiguous lands which are in common ownership with the site of the plant on the effective date of this section, except as limited by 155-E:4-a, I, II, and III.

(b) No further permit shall be required under this chapter for excavation from an area which on the effective date of this section is contiguous to or is contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before the effective date of this section, which use earth obtained from such areas. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities.

AMENDED ANALYSIS

This bill makes numerous amendments to the laws governing local regulation of excavation. It defines the terms "excavation site", and "contiguous", and replaces "restoration" with "reclamation".

The bill requires permitting of excavation sites and establishes certain exemptions. It also details types of excavation projects for which permits may not be granted. The bill establishes limits on unpermitted expansion of grandfathered excavation sites. When local regulation does not permit expansion, the zoning board of adjustment may hold a hearing and issue an order and findings to restrict expansion or establish conditional requirements to expansion.

The bill provides a limit on expansion areas contiguous to stationary manufacturing plants after the effective date of the act and provides an exemption from further permitting when the excavation is otherwise permitted. Such other permits shall remain in effect.

The bill establishes operational and reclamation standards for excavating and provides a procedure for regulators to grant exceptions from such standards.

The bill adds a construction materials section to the contents of a master plan.

Conferees on the Part of the Senate:

Sen. Bond, Dist. 1; Sen. Preston, Dist. 23; Sen. Freese, Dist. 4.

Conferees on the Part of the House

Rep. Greene, Rock. 18; Rep. Stio, Merr. 5; Rep. Robinson, Hills. 12; Rep. Trombly, Merr. 4.

(Speaker in the Chair)

Reps. Elizabeth Greene and Trombly explained and spoke in favor of the report.

Reps. Betty Hall and Bardsley spoke against the report and yielded to questions.

Reps. Sherburne and Robinson spoke in favor of the report and yielded to questions.

Rep. Burton requested a quorum count. The Speaker declared a quorum present.

Rep. Burton spoke against the report.

Rep. Ann Torr spoke in favor of the report.

A roll call was requested. Sufficiently seconded.

YEAS 247

NAYS 98

YEAS 247

BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Locke, Matthew J.
Rice, Thomas E. P., Jr.
Turner, Robert H.
Ziegra, Alice S.

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Holbrook, Robert G.
Randall, Kenneth A.
Rosen, Ralph J.
White, James J.

CARROLL

Allard, Nanci A.
Dickinson, Howard C., Jr.
MacDonald, Kenneth J.

Chandler, Gene G.
Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

Daly, Robert J., Jr.
Foster, Robert W.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
LaMar, David M.
Miller, Jeffrey C.
Pratt, Irene A.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
Laurent, John J.
Pearson, Gertrude B.
Sawyer, Alfred P.

Cole, Stacey W.
Doucette, Richard F.
Hunt, John B.
Metzger, Katherine H.
Perry, David M.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Lemire, George
Merrill, Gerald P.
Theriault, Romeo J.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Nelson, Harold D.

Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Dow, David O.
LaMott, Paul I.
Stewart, Roger
Wadsworth, Karen O.

Bean, Pamela B.
Christy, C. Dana
Driscoll, William J.
Larson, Nils H., Jr.
Teschner, Douglass P.
Ward, Kathleen W.

Bennett, Shirley M.
Densmore, Edward D.
Hill, Richard L.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.	Alukonis, David J.	Amidon, Eleanor H.
Andrews, Frederick B.	Bicknell, Robert C.	Biondi, Christine A.
Bowers, Dorothy C.	Brady, Carolyn L.	Burkush, Peter A.
Cowenhoven, Garret P.	Daigle, Robert A.	Desrochers, Gerard T.
Desrosiers, William J.	Dodge, Emma M.	Drolet, Paul L., Jr.
Dyer, Merton S.	Elliott, Larry G.	Emerton, Lawrence A., Sr.
Fields, Dennis H.	Foote, Herbert N., Sr.	Ford, Nancy M.
Gagnon, Gabrielle V.	Genest, Fernand A.	Goulet, Maurice E.
Green, Scott E.	Grip, Robert H.	Guilbert, Lionel
Harlan, Susan N.	Healy, Daniel J.	Hunter, Bruce F.
Jasper, Shawn N.	Jenkins, Mary	Keefe, Edmund M.
Kelley, Robert N.	Knight, Alice Tirrell	Kress, Gloria W.
Lachut, Ervin R.	Lawrence, Norman B.	Lown, Elizabeth D.
Lozeau, Donnalee M.	Mason, Howard F.	McCann, Bonnie Lou
McNerney, Daniel P.	Messier, Irene M.	O'Rourke, JoAnne A.
Ouellette, Robert O.	Pappas, Toni	Pepino, Leo P.
Perham, Lester R.	Prestipino, Bartolo V.	Record, Alice B.
Riley, Frances L.	Robinson, Ellen-Ann	Rodgers, G. Philip
Sallada, Roland A.	Schneiderat, Catherine A.	Searles, Stanley N., Sr.
Smith, Leonard A.	Soucy, Lillian E.	Steiner, Lee Anne S.
Stiles, Walter A.	Turgeon, Roland M.	Tyree, Paul M.
Vanderlosk, Stanley R.	Wheeler, David K.	Wihby, Linda S.
Young, Willard N.		

MERRIMACK

Anderson, Eleanor M.	Barberia, Richard A.	Boucher, Laurent J.
Carter, Susan D.	Daneault, Gabriel	Dunn, Miriam D.
Fair, Patricia A.	Fillion, Paul R.	Fraser, Leo W., Jr.
Gross, Caroline L.	Hager, Elizabeth	Hall, Douglas E.
Hayes, Robert C.	Hill, Michael	Jacobson, Alf E.
Johnson, C. William	Kidder, William F.	Lewis, Mary Ann
Lockwood, Robert A.	Millard, Elizabeth S.	Nichols, Avis B.
Pantzer, Eugene E.	Pfaff, Terence R.	Phelps, James D.
Provencal, Leo A.	Shaw, Randall F.	Stio, Peter M.
Tolpin, Richard W.	Trombly, Rick A.	West, George M.

ROCKINGHAM

Anderson, Carl F., III	Benton, Richardson D.	Boucher, William P.
Brown, Jeffrey M.	Brown, Lewis W.	Campbell, Eunice M.
Campbell, Marilyn R.	Cooke, Annette M.	Cote, Patricia L.
Felch, Charles H., Sr.	Fesh, Robert M.	Flanagan, Natalie S.
Flanders, Harry E.	Flanders, John W., Sr.	Ford, Bert H.
Forsythe, Douglas G.	Gage, Beverly A.	Gage, Thomas U.
Greene, Elizabeth A.	Haynes, Richard L.	Hoar, John, Jr.
Hoelzel, Kathleen M.	Johnson, Robert A.	Katsakiores, George N.
Katsakiores, Phyllis M.	King, Roger C.	Klemarczyk, Thaddeus E.
Klemm, Arthur P., Jr.	Lovejoy, Virginia K.	MacDonald, Maurice B.
Magoon, Harold F.	Malcolm, Kenneth W.	McCain, William F.
McCarthy, John J., Jr.	McKinney, Betsy	Micklton, Stephanie K.
Palazzo, Frank J., Sr.	Palumbo, Vincent J., Jr.	Parr, Ednapearl F.

Parsons, Robert F.
Seward, Russell G.
Sochalski, Matthew M.
Vartanian, Elsie
Wright, David B.

Raynowska, Bernard J.
Sherburne, John L.
Sytek, Donna P.
Warburton, Calvin

Remick, Barbara R.
Skinner, Patricia M.
Tufts, J. Arthur
Welch, David A.

STRAFFORD

Appleby, James E.
Dionne, Albert J.
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Torr, Ann M.

Bickford, Drucilla
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Kinney, Paula J.
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Meserve, John H.
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Young, John B.

SULLIVAN

Behrens, Thomas A.
Krueger, Richard H.
Middleton, John A.
Schotanus, Merle W.

Domini, Irene C.
Lucier, Edward A., Jr.
Peyron, Fredrik

Hinrichsen, Keith L.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 98

BELKNAP

Golden, Paul A.

Maviglio, Steven R.

CARROLL

Olimpio, J. Lisbeth

Wiggin, Allen R.

CHESHIRE

Cole, Kenneth A.
Spear, Susan S.

Foster, Katherine D.

Morse, JoAnn T.

COOS

Buckley, C. Fitzgerald, III

Woodburn, Jeffrey R.

GRAFTON

Arnesen, Deborah L.
Guest, Robert H.
Shackett, Ralph E.

Chambers, Mary P.
Nordgren, Sharon L.

Copenhaver, Marion L.
Rose, William B.

HILLSBOROUGH

Baldizar, Barbara J.
Bourque, Ann J.
Donovan, Francis X.
Dwyer, Patricia R.
Frank, Nancy G.
Holden, Carol H.
Johnson, Lionel W.
Long, Linda D.
Moore, Elizabeth A.
Nardi, Theodora P.
Rheault, Lillian I.
Upton, Barbara A.

Barry, Janet G.
Cox, Gladys M.
Drabinowicz, A. Theresa
Dykstra, Leona
Gureckis, Adam C., Sr.
Hultgren, David D.
Kurk, Neal M.
McDowell, James E.
Morrissette, Roland A.
Packard, Bonnie B.
Tarpley, Nancy L.
Wright, George W.

Boucher, Lionel R.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Flood, Jacqueline J.
Hall, Betty B.
Jean, Romeo W.
Lefebvre, Roland J.
McRae, Karen
Murphy, Robert E.
Pignatelli, Debora B.
Toomey, Daniel

MERRIMACK

Bardsley, Elizabeth S.
Gilbreth, Robert M.

Beaton, Nancy C.
Soldati, Jennifer

Braiterman, Thea G.
Wallner, Mary Jane

ROCKINGHAM

Bell, Juanita L.
Conroy, Janet M.

Blanchard, MaryAnn N.
Dube, LeRoy S.

Caswell, Albert, Jr.
Hollingworth, Beverly A.

Kane, Cecelia D.
 Pantelakos, Laura C.
 Rosencrantz, James R.
 Senter, Marilyn P.
 Weddle, Michael R.

Mace, Ada L.
 Popov, Elizabeth M.
 Sanderson, Patricia O.
 Splaine, John E., Sr.

McGovern, Cynthia A.
 Ritzo, Eugene
 Schmidtchen, Rowland
 Vaughn, Charles L.

STRAFFORD

Bernard, Mary E.
 Flynn, Edward J.
 Marston, Robert E.
 Merrill, Amanda A.
 Pelley, Janet R.
 Sullivan, Henry P.

Burton, Wayne M.
 Gilmore, Gary R.
 Martling, W. Kent
 Musler, George T.
 Scharff, Thomas E.
 Wall, Janet G.

Callaghan, Robert J.
 Keans, Sandra B.
 McCann, William H., Jr.
 O'Brien, John
 Spencer, Leo J.
 Wheeler, Katherine Wells

SULLIVAN

Brodeur, Robert J.
 and the report was adopted.

Burling, Peter Hoe

Stamatakis, Carol M.

RECESS

(Deputy Speaker Burns in the Chair)

ENROLLED BILLS REPORT

HB 39, relative to the distribution of OHRV fees.

HB 56, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor.

HB 111, relative to moorings.

HB 140, relative to delinquent children and children in need of services.

HB 144, relative to minor mothers and their infants.

HB 239, relative to legalizing town meetings.

HB 289, relative to stumps, leaves and yard waste.

HB 305, amending the 10-year highway plan.

HB 376, licensing physician assistants.

HB 429, establishing a task force on low provider participation in Medicaid.

HB 503, relative to business and voluntary corporations and reinstating the charters of S.P.B., Inc. and Jefferson, Currier & Company, Inc.

HB 516, relative to illegal dumping of garbage.

HB 606, relative to approvable plans for solid waste management districts.

HB 681, relative to workers' compensation.

HB 699, prohibiting possession of firearms by career criminals and imposing a minimum mandatory sentence.

HB 737, amending the joint state-capitol city planning commission.

HB 752, relative to domestic violence.

HB 755, establishing a committee to study shoreline protection.

SB 5, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation.

SB 61, relative to preserving the old state house and making an appropriation therefor.

SB 99, supplementing the funding for programs which assist victims of domestic violence.

SB 110, relative to joint and several liability and to pollution liability.

SB 145, to authorize municipalities to establish special revenue funds.

SB 147, relative to waiting lists for developmentally disabled persons.

SB 152, relative to a study of a portion of the Spaulding Turnpike and making an appropriation therefor, and establishing a committee to study traffic problems on Routes 16 and 302 in the Mt. Washington Valley.

Rep. Mary Ann Lewis

Sen. David P. Currier

For the Committee

COMMITTEE OF CONFERENCE REPORT ON SB 69-FN

The committee of conference to which was referred Senate Bill 69-FN, An Act establishing the home mortgage guarantee authority having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Dupont, Dist. 6; Sen. St. Jean, Dist. 20.

Conferees on the Part of the House

Rep. Fraser, Merr. 6; Rep. Fair, Merr. 7; Rep. Bicknell, Hills. 22; Rep. Christy, Graf. 11.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 70-FN-A

The committee of conference to which was referred Senate Bill 70-FN-A, An Act establishing a pilot program to test the application of the office of state planning's GRANIT system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Bartlett, Dist. 19; Sen. Stephen, Dist. 18.

Conferees on the Part of the House

Rep. Grodin, Ches. 6; Rep. Metzger, Ches. 11; Rep. Adams, Graf. 13; Rep. Scharff, Straf. 6.

Report adopted.

Rep. David Wright abstained from voting under Rule 16.

COMMITTEE OF CONFERENCE REPORT ON SB 71

The committee of conference to which was referred Senate Bill 71, An Act authorizing the removal of a boat and mooring under certain circumstances having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the subparagraph I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) One individual, knowledgeable in the subject matter to be studied, appointed by the governor.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Removal of Moorings. Amend RSA 270:61 by inserting after paragraph III the following new paragraph:

IV. After July 1, 1989, the director or his agents shall remove or cause the removal of any mooring, and any boat that may be moored to it, on the 5 lakes cited in paragraph I if it does not have the appropriate decal. Such removal shall be without the right to a prior hearing and at the expense of the owner of the mooring pursuant to RSA 270:66, IV.

4 Removal of Moorings. Amend RSA 270:61, IV to read as follows:

IV. After [October] **July** 1, 1989, the director or his agents shall remove or cause the removal of any mooring, and any boat that may be moored to it, on the 5 lakes cited in paragraph I if it does not have the appropriate decal. Such removal shall be without the right to a prior hearing and at the expense of the owner of the mooring pursuant to RSA 270:66, IV.

5 Transition. The provisions of RSA 270:61, IV, as enacted by either section 3 or 4 pursuant to the contingency in section 6 of this act, shall not apply to any mooring that is part of a public or congregate mooring field for which there is an application pending as of the effective date of this section.

6 Contingent Provision. If any other act of the 1989 regular session of the general court is enacted into law which inserts RSA 270:61, IV, then section 4 of this act shall take effect July 1, 1989, and section 3 of this act shall not take effect. If no other act of the 1989 legislative session is enacted into law which inserts RSA 270:61, IV, then section 3 of this act shall take effect July 1, 1989, and section 4 of this act shall not take effect.

7 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3; Sen. Stephen, Dist. 18; Sen. Bond, Dist. 1.

Conferees on the Part of the House:

Rep. Dickinson, Carr. 2; Rep. Young, Straf. 10; Rep. Lewis, Merr. 5; Rep. Blanchard, Rock. 26.

Rep. Beaton requested a quorum count. The Speaker declared a quorum present.

Rep. Beaton spoke against the report.

Reps. Dickinson and Hawkins spoke in favor of the report.

A division was requested.

236 members having voted in the affirmative, 79 in the negative, the report was adopted.

(Rep. Palumbo in the Chair)

COMMITTEE OF CONFERENCE REPORT ON SB 73-FN

The committee of conference to which was referred Senate Bill 73-FN, An Act establishing a committee to study taxing all tobacco products having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 Committee Membership; Appointments; Meetings.

I. The committee shall consist of the following voting members:

(a) Two members of the senate appointed by the president of the senate.

(b) Two members of the house of representatives appointed by the speaker of the house.

(c) One member of the house ways and means committee appointed by the speaker of the house.

(d) One member of the senate ways and means committee appointed by the senate president.

(e) The governor or his designee.

II. The committee shall consist of the following nonvoting members:

(a) The commissioner of the department of revenue administration or his designee.

(b) One representative from the tobacco industry, to be appointed by the governor.

(c) One representative from the cigar industry, to be appointed by the speaker of the house.

(d) One representative from the smokeless tobacco industry, to be appointed by the president of the senate.

(e) One representative from the medical profession, appointed by the speaker of the house.

(f) One representative from the Retail Grocers' Association, appointed by the president of the senate.

III. The members of the committee shall be appointed within 30 days of the effective date of this act.

IV. The president of the senate shall call the first meeting within 60 days of the effective date of this act and the committee shall elect a chairman at that meeting.

V. The committee shall meet at least once a month.

Conferees on the Part of the Senate:

Sen. Bartlett, Dist. 19; Sen. McLane, Dist. 15; Sen. Stephen, Dist. 18.

Conferees on the Part of the House:

Rep. Simon, Rock. 9; Rep. Phelps, Merr. 1; Rep. Sytek, Rock. 20; Rep. Morrisette, Hills. 30

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 76

The committee of conference to which was referred Senate Bill 76, An Act establishing a committee to study durable powers of attorney for health care having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Roberge, Dist. 9; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Lown, Hills. 9; Rep. Record, Hills. 23; Rep. Keans, Straf. 11; Rep. Burling. Sull. 1

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 77-FN

The committee of conference to which was referred Senate Bill 77-FN. An Act relative to holiday pay for certain part-time employees having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Holiday Pay for State Employees. Amend RSA 98-A by inserting after section 6-a the following new section:

98-A:6-b Holiday Pay. Notwithstanding any agreement, law, or rule to the contrary, state employees involved in the care of persons in the state mental health system, the division for children and youth services, the state prison, the secure psychiatric unit or the veterans' home on a part-time basis who work on New Year's Day, Memorial Day, July 4, Labor Day, Veterans Day, Thanksgiving Day, the Day after Thanksgiving, or Christmas Day, shall be entitled to holiday pay for the hours worked; provided, that such employees shall be required to work the scheduled day before and the scheduled day after such holidays.

AMENDED ANALYSIS

This bill requires certain part-time state employees who care for persons in certain institutions on 8 New Hampshire holidays to be paid holiday pay for the actual hours worked; provided that such employees work the scheduled day before and the scheduled day after such holidays.

The bill makes appropriations to the appropriate state institutions for the purposes of this act.

Conferees on the Part of the Senate:

Sen. Hough, Dist. 5; Sen. Torr, Dist. 21; Sen. Delahunty, Dist. 22.

Conferees on the Part of the House

Rep. MacDonald, Rock. 7; Rep. Schneiderat, Hills. 34; Rep. Ward, Graf. 1; Rep. Pelley, Straf. 10

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 81-FN

The committee of conference to which was referred Senate Bill 81-FN. An Act relative to the management of court facilities having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II of section 7 of the bill by replacing it with the following:

II. The committee shall on or before November 1, 1989, submit a report, including its transition plan and recommendations for legislation, to the speaker of the house, the senate president, the governor and council, and the chairpersons of the house appropriations and senate finance committees.

Amend the bill by replacing section 8 with the following:

8 Appropriation; Department of Administrative Services. The sum of \$50,000 for the fiscal year ending June 30, 1990, and the sum of \$50,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the department of administrative services for the purpose of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

9 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1989.

AMENDED ANALYSIS

This bill changes the membership and duties of the court accreditation commission. The responsibility for administration of the escrow fund for court facility improvements is transferred from the court accreditation commission to the department of administrative services. The state treasurer is granted the responsibility of managing the escrow fund, which shall be used only for the construction, acquisition or improvement of court facilities.

This bill transfers the responsibility for leasing, management and maintenance of all court facilities, except the supreme court facility, from the supreme court to the department of administrative services.

The bill directs a committee to develop a transition plan for the transfer of funds for court facilities from the judicial branch to the executive branch.

The bill appropriates \$50,000 for fiscal year 1990 and \$50,000 for fiscal year 1991 to the department of administrative services for the purposes of this act.

Conferees on the Part of the Senate:

Sen. St. Jean, Dist. 20; Sen. Bartlett, Dist. 19; Sen. Dupont, Dist. 6.

Conferees on the Part of the House:

Rep. Powers, Carr. 5; Rep. MacDonald, Rock. 7; Rep. Gross, Merr. 16; Rep. Dunn, Merr. 21

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 82-FN

The committee of conference to which was referred Senate Bill 82-FN, An Act relative to judicial retirement pay and to vested rights in judicial retirement compensation having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Judicial Vesting and Retirement Committee. There is created a 5-member committee consisting of the following: 2 Representative appointed by the speaker of the house, 2 senators appointed by the president of the senate, and the chief justice of the supreme court or his designee. This committee shall study the feasibility of and funding for justices of the supreme and superior courts, justices of the district court prohibited from practice under RSA 502-A:21, and probate judges prohibited from practice under RSA 547:2-a in relation to (1) vesting rights in judicial retirement and (2) the contribution of a certain percentage of their salaries towards retirement. The committee shall report its findings and recommendations to the fiscal committee on or before October 1, 1989, and shall file a copy of the report with the senate president, the speaker of the house and the office of the chief justice of the supreme court.

2 Effective Date. This act shall take effect July 1, 1989.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Hough, Dist. 5; Sen. Bartlett, Dist. 19.

Conferees on the Part of the House:

Rep. Palumbo, Rock. 10; Rep. Powers, Carr. 5; Rep. M. MacDonald, Rock. 7; Rep. Pelley, Straf. 10.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 87-FN

The committee of conference to which was referred Senate Bill 87-FN, An Act relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Notification of Firefighters, Emergency Medical Care Providers and Police Officers after Exposure to Infectious Disease. Amend RSA by inserting after chapter 141-F the following new chapter:

CHAPTER 141-G

NOTIFICATION OF FIREFIGHTERS, EMERGENCY CARE PROVIDERS AND POLICE OFFICERS AFTER EXPOSURE TO INFECTIOUS DISEASE

141-G:1 Definitions. In this chapter:

I. "Blood or other potentially infectious material" means human blood, human blood components, products made from human blood, sputum or any such other body fluid, tissue, or organ that may be designated by the director by rule adopted under RSA 141-G:6.

II. "Director" means the director of the division of public health services.

III. "Division" means the division of public health services, department of health and human services.

IV. "Emergency response/public safety worker" means firefighters, police officers and emergency care providers licensed under RSA 151-B, and other similar care providers, whether paid or volunteer.

V. "Exposed worker" means an emergency response/public safety worker who sustains or suspects he has sustained an unprotected exposure.

VI. "Infectious disease" means any infectious disease that is designated by the director by rule adopted under RSA 141-G:6.

VII. "Source individual" means any person whose blood, body fluids, tissue, or organs were specifically identified as the source of an exposure to an emergency response/public safety worker.

VIII. "Unprotected exposure" includes instances of direct mouth-to-mouth resuscitation or the comingling of blood or other potentially infectious material of a source individual and an emergency response/public safety worker, which is capable of transmitting an infectious disease or any other such type of exposure that may be designated by the director by rule adopted under RSA 141-G:6.

141-G:2 Medical Referral Consultant.

I. Each employer of emergency response/public safety workers shall identify a medical referral consultant who has agreed to accept referrals and to evaluate and follow up such workers' unprotected exposures. The medical referral consultant shall be a licensed physician, a registered nurse, advanced registered nurse practitioner or licensed physician assistant. If none of these is available the employer shall request written approval from the division for an alternate.

II. The medical referral consultant shall:

(a) Receive emergency response/public safety worker incident report forms.

(b) Receive information from the infection control officer, the exposed worker's private physician, or both, regarding the worker's exposure to an infectious disease, as appropriate.

(c) Conduct a medical examination, evaluate the exposure, and give appropriate prophylactic treatment and follow-up treatment and advice, or, if the medical referral consultant is not a licensed physician, refer the exposed worker immediately to a licensed physician for such examination, evaluation, treatment and advice.

(d) Make all reasonable efforts to request and obtain a blood specimen from a source individual when, in the opinion of the medical referral consultant, a test on such blood specimen is necessary in order to determine the proper prophylactic treatment or advice for the exposed worker, provided that the source individual or his legal guardian consents to such test and the disclosure of such test results.

(e) Maintain a record relating to any emergency response/public safety worker's exposure to an infectious disease. The manner of recordkeeping shall assure the confidentiality of all information.

141-G:3 Infection Control Officer.

I. The senior facility administrator of each health care facility licensed under RSA 151 shall designate an infection control officer for the purpose of carrying out this chapter. That person shall be the infection control practitioner, hospital epidemiologist, hospital infection control chairman or a licensed physician or registered nurse who is knowledgeable of the facility's infection control policies and procedures.

II. When the source individual is transported to a health care facility, the infection control officer shall:

(a) Receive copies of emergency response/public safety worker incident report forms and coordinate the acquisition of any source individual information required for evaluating an emergency care worker's possible exposure.

(b) Review the incident report form and source individual medical information.

(c) Notify the medical referral consultant, in accordance with RSA 141-G:5, of any source individual infection which, in the event that an unprotected exposure occurred, may place an emergency response/public safety worker at significant risk for disease.

141-G:4 Notification by Emergency Response/Public Safety Workers.

I. Any emergency response/public safety worker who, while in the line of duty, sustains an unprotected exposure or who suspects such an exposure, shall, as soon as possible, provide a copy of the emergency response/public safety worker incident report form to his medical referral consultant. If the source individual is transported to a health care facility licensed under RSA 151, the exposed worker shall also provide a copy of the incident report form to the infection control officer of the facility as soon as possible after arrival of the source individual at the facility.

II. The division shall prepare and distribute the emergency response/public safety worker incident report form. The form shall include, at a minimum, the names of persons who believe they have sustained an unprotected exposure, the manner in which the exposure occurred, the name of the employer's medical referral consultant and such other relevant information that the division may require by rule adopted under RSA 141-G:6.

III. Nothing in this section shall be construed as negating whatever responsibility the fire department, police department or emergency medical services unit might have for the protection and care of its employees, or the responsibility of any emergency care worker to safeguard his health by using all appropriate protective equipment provided by the employer, by following appropriate procedures, and by seeking medical advice and attention when prudent.

141-G:5 Notification by Health Care Facilities; Duties of Division; Confidentiality.

I. When the source individual is transported to a health care facility licensed under RSA 151, the infection control officer shall receive and review a copy of the emergency response/public safety worker incident report form. If the transported source individual is diagnosed as having an infectious disease which could have been transmitted via the unprotected exposure, the infection control officer shall orally notify within 48 hours and in writing notify within 72 hours of the determination, the medical referral consultant listed on the form. The notice shall include, but not be limited to, the finding, if any, that an unprotected exposure may have occurred and the identity of such infectious disease. The infection control officer or health care facility shall provide the source individual diagnosed as having the infectious disease with the names of persons who were informed of his condition.

II. The division shall determine the method by which the written notification of the incident report is conveyed to the medical referral consultant.

III. When the source individual is transported to a health care facility licensed under RSA 151, the testing performed on the transported source individual to complete the diagnosis under paragraph I shall not be in addition to any testing which would be conducted during the care and treatment of the individual, unless additional tests are determined as necessary by the infection control officer and the individual's attending physician because of the nature of the unprotected exposure, and the individual consents to the tests.

IV. Notwithstanding the provisions of this chapter, any drawing of blood and testing carried out under this chapter for the presence of the human immunodeficiency virus, any notifications of persons about such test results, and the confidentiality of such test results shall be in accordance with the provisions of RSA 141-F.

141-G:6 Rulemaking. The director shall adopt under rules RSA 541-A relative to:

I. Form, content and distribution of the standardized emergency response/public safety worker incident report form required under RSA 141-G:4.

II. A definition of blood or other potentially infectious material.

III. A definition of infectious disease.

IV. Manner of recordkeeping to ensure confidentiality under RSA 141-G:2, II(c).

V. Further definition of an unprotected exposure.

VI. Content and format of all notices and forms required under this chapter.

VII. Minimal requirements for a medical referral consultant alternate as required under RSA 141-G:2, I.

VIII. Preparation and distribution of the incident report form as required under RSA 141-G:4, II.

141-G:7 Immunity from Civil Liability. No facility licensed under RSA 151 or agent, employee, administrator, physician, official, or other representative of such facility shall be held jointly or severally liable either as a facility or personally, for reporting as required under this chapter if such report was made in good faith and was in accordance with the confidentiality procedures of the facility and RSA 141-F. All such parties who have acted in good faith shall have total immunity from civil or criminal liability for any act performed in the fulfillment of the duties imposed by this chapter.

2 Effective Date. This act shall take effect January 1, 1990.

AMENDED ANALYSIS

This bill requires employers of firefighters, police officers and emergency care providers, licensed under RSA 151-B, to identify a medical referral consultant who shall evaluate a worker's unprotected exposure to an infectious disease. In addition each health care facility licensed under RSA 151 shall designate an infection control officer who shall notify the medical referral consultant of the unprotected exposure.

The division of public health services, department of health and human services is granted rulemaking authority to carry out the purposes of this act.

Conferees on the Part of the Senate:

Sen. Krasker, Dist. 24; Sen. Preston, Dist. 23; Sen. Charbonneau, Dist. 4.

Conferees on the Part of the House:

Rep. Parks, Straf. 6; Rep. Bennett, Graf. 8; Rep. Foster, Ches. 17; Rep. Knight, Hills. 6.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 88-FN

The committee of conference to which was referred Senate Bill 88-FN, An Act providing a cost of living adjustment for certain group I members having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Method of Financing; State Annuity Accumulation Fund. Amend RSA 100-A:16, II(h) to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earnings of the special account assets, plus all of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees. The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits [for retired members of the retirement system] *as follows: first, to provide supplemental allowances pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional benefits for retired members and beneficiaries of the retirement system.*

Conferees on the Part of the Senate:

Sen. Magee, Dist. 12; Sen. Roberge, Dist. 9; Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Campbell, Belk. 5; Rep. Richardson, Belk. 10; Rep. Ward, Graf. 1.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 89-FN

The committee of conference to which was referred Senate Bill 89-FN, An Act providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 10 with the following:

10 Medical Benefits for Biennium Ending June 30, 1991.

I. Notwithstanding any provisions of law to the contrary, for the biennium ending June 30, 1991, the state-paid insurance provided under RSA 21-I:26-36 shall only be provided to state employees and their families, and to retired state employees who are eligible for benefits under those sections and who also had 10 or more years of creditable service with the state of New Hampshire at the time of their retirement and to the retired state employees' spouses and beneficiaries.

II. Any person who, on the effective date of this act, is a retired state employee, or such employee's spouse or beneficiary, eligible for and receiving medical and surgical benefits as a retired state employee or such employee's spouse or beneficiary pursuant to RSA 21-I:30 shall not be affected by this section.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group I New Hampshire retirement system beneficiaries who retired prior to July 1, 1988, effective July 1, 1989. The additional allowance becomes a permanent part of the beneficiary's retirement allowance, and shall be compounded on any previously granted allowance.

Funding for the additional allowances comes from the retirement system special account, RSA 100-A:16, II(h), as of June 30, 1989.

The bill establishes a committee to study the eligibility for state-paid group hospitalization and medical insurance for retired state employees as provided under RSA 21-I:26-36. The committee must make its report, together with any proposed legislation, no later than December 1, 1989.

This bill authorizes the state of New Hampshire to pay persons the appropriate retirement benefits due the widow of a superior court justice, when the husbands of such persons died before the current law became effective which provides benefits to such widows.

The bill also provides that for the biennium ending June 30, 1991, the state-paid group hospitalization and medical insurance provided under RSA 21-I:26-36 shall only be provided to active state employees, and to retired state employees with 10 or more years of creditable service.

Conferees on the Part of the Senate:

Sen. Delahunty, Dist. 22; Sen. Charbonneau, Dist. 14; Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House:

Rep. K. MacDonald, Carr. 6; Rep. R. Campbell, Belk. 5; Rep. Richardson, Belk. 10; Rep. Ward, Graf. 1.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 90-FN

The committee of conference to which was referred Senate Bill 90-FN, An Act providing a 4 percent cost of living adjustment for group II members having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend subparagraph II(a) as inserted by section 2 of the bill by replacing it with the following:

(a) Up to \$1,000,000 of the cost shall be obtained by the one-time write-up of the assets used to fund the firemens' classification.

AMENDED ANALYSIS

This bill provides a 2 percent cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before July 1, 1988, effective July 1, 1989. The additional allowance becomes a permanent part of the beneficiary's base retirement allowance.

Funding for the additional allowance for policemen members comes from the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Funding for the additional allowance for firemen members is on a terminal basis as follows:

(a) Up to \$1,000,000 of the cost is obtained by the one-time write-up of the assets used to fund the firemens' classification.

(b) The remainder is funded from the special account created by RSA 100-A:16, II(h).

Conferees on the Part of the Senate:

Sen. Delahunty, Dist. 22; Sen. Charbonneau, Dist. 14; Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House:

Rep. MacDonald, Carr. 6; Rep. Campbell, Belk. 5; Rep. King, Hills. 42; Rep. Ward, Graf. 1.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 91-FN

The committee of conference to which was referred Senate Bill 91-FN, An Act providing a 20 percent cost of living adjustment for teachers retired prior to July 1957 having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Freese, Dist. 4; Sen. Magee, Dist. 12.

Conferees on the Part of the House:

Rep. K. MacDonald, Carr. 6; Rep. R. Campbell, Belk. 5; Rep. Ward, Graf. 1; Rep. Richardson, Belk. 10.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 94-FN

The committee of conference to which was referred Senate Bill 94-FN, An Act authorizing the sale of liquor and beverages in additional areas under a liquor license having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Delahunty, Dist. 22; Sen. Disnard, Dist. 8.

Conferees on the Part of the House:

Rep. Simon, Rock. 9; Rep. McKinney, Rock. 23; Rep. Behrens, Sull. 3; Rep. Lemire, Coos 8.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 97-FN

The committee of conference to which was referred Senate Bill 97-FN, An Act relative to distribution of drug forfeiture money having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Drug Education Programs. Notwithstanding any other law to the contrary, the attorney general is authorized to grant from the drug forfeiture fund not more than \$100,000 to fund a model drug education program. This authorization shall continue until June 30, 1992.

5 Appropriation; Department of Corrections. The sum of \$200,000 for the fiscal year ending June 30, 1990, and the sum of \$200,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the department of corrections for the purpose of establishing a comprehensive drug and alcohol abuse treatment program. These appropriations shall be used solely for the purposes of such program. The office of alcohol and drug abuse prevention shall transfer from any of its funding sources to the department of corrections, the sum of \$200,000 for fiscal year 1990 and \$200,000 for fiscal year 1991 to fund the appropriations made in this section.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the cap on the revolving drug forfeiture fund from \$300,000 to \$1,000,000 and increases the cap on the special account for the office of alcohol and drug abuse prevention for \$200,000 to \$400,000.

This bill also allows drug forfeiture fund money to be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.

The bill authorizes the attorney general to grant up to \$100,000 from the drug forfeiture fund for a model drug education program.

The bill transfer \$200,000 for fiscal year 1990 and \$200,000 for fiscal year 1991 from the office of alcohol and drug abuse prevention to the department of corrections for the purpose of establishing a comprehensive drug and alcohol abuse treatment program.

Conferees on the Part of the Senate:

Sen. St. Jean, Dist. 20; Sen. Bartlett, Dist. 19; Sen. Podles, Dist. 16.

Conferees on the Part of the House

Rep. Johnson, Merr. 5; Rep. Chandler, Carr. 1; Rep. Sallada, Hills. 4; Rep. Hollingworth, Rock. 17.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 98

The committee of conference to which was referred Senate Bill 98, An Act relative to the application of planning and zoning regulations to land affected by more than one municipality having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 674:53, VI(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Not less than a quorum of each involved land use board shall attend the joint hearing or meeting, and the members who attend the joint hearing or meeting shall have the authority of the full board over that application. In the alternative, the

full board may attend the joint hearing or meeting. Each land use board shall be responsible for rendering a decision on the subject matter within its jurisdiction.

Amend the bill by replacing section 2 with the following:

2 New Subdivision; Amendment of Invalid Ordinance Subsequent to Appeal. Amend RSA 677 by inserting after section 18 the following new subdivision:

Invalid Ordinances

677:19 Subsequent Amendment. Whenever an appeal to the superior court is initiated under this chapter and the court finds that the ordinance, or section thereof, upon which the board of adjustment, board of appeals, or local legislative body based its decision was invalid at the time such appeal was initiated, or that the application should have been approved but the ordinance was amended to prohibit the type of project applied for during the pendency of the appeal, notwithstanding the fact that the ordinance may have been amended to remove the invalidity subsequent to the initiation of the appeal or that the type of project applied for is no longer permitted, as the case may be, the court shall, upon request of the petitioner, issue an order approving the application, provided that the court finds the application complies with valid zoning and subdivision regulations existing at the time of the application.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill adds provisions to the local planning and regulatory powers of municipalities to deal with contiguous land which is located in more than one municipality. The bill addresses the problems of municipal boundary lines, approval of subdivisions, developments and lot uses, plats or plans showing land or streets in more than one municipality, and joint meetings of local land use boards from more than one municipality.

The bill requires planning boards to give notice under RSA 676:4, to certain municipalities who are abutters.

The bill also adds an additional procedure for appeals to the superior court and approval of applications by the court when the ordinance upon which the appeal is based is invalid.

Conferees on the Part of the Senate:

Sen. Charbonneau, Dist. 14; Sen. Dupont, Dist. 6; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Grodin, Ches. 6; Rep. King, Rock. 4; Rep. Wadsworth, Graf. 13; Rep. Soucy, Hills. 39.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 105-FN-A

The committee of conference to which was referred Senate Bill 105-FN-A, An Act making an appropriation for improving electrical service at Weeks state park in Lancaster having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees on the Part of the Senate:

Sen. Blaisdell, Dist. 10; Sen. Dupont, Dist. 6; Sen. St. Jean, Dist. 20.

Conferees on the Part of the House:

Rep. Phelps, Merr. 1; Rep. Stio, Merr. 5; Rep. Horton, Coos 4; Rep. Frechette, Straf. 8.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 106-FN

The committee of conference to which was referred Senate Bill 106-FN, An Act relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Preston, Dist. 23; Sen. Dupont, Dist. 6; Sen. Torr, Dist. 21.

Conferees on the Part of the House:

Rep. G. Katsakiores, Rock. 7; Rep. Desrochers, Hills. 47; Rep. Flanders, Rock. 10; Rep. Townsend, Graf. 13.

The Chair was in doubt and requested a division.

204 members having voted in the affirmative, 77 in the negative, the report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 108-FN

The committee of conference to which was referred Senate Bill 108-FN, An Act relative to Skyhaven airport in Rochester having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of section 1 of the bill by replacing it with the following:

1 Commission Established; Membership. There is established a commission, to be known as the Skyhaven airport advisory commission, which shall study the transfer of Skyhaven airport in Rochester, New Hampshire from the department of transportation to a local governing body or to another state agency. The general court intends that the commission remain in existence until an actual transfer is accomplished. The membership of the commission shall be as follows:

Amend the bill by replacing sections 3 and 4 with the following:

3 Duties. The advisory commission shall study all relevant issues surrounding the transfer of Skyhaven airport from the department of transportation to a local governing body or to another state agency.

4 Reports. The advisory commission shall submit its first report together with its findings, recommendations and any legislation necessary to accomplish the transfer, to the governor and council, the president of the senate and the speaker of the house

on or before December 15, 1989, and shall submit other reports annually thereafter until the transfer is accomplished.

AMENDED ANALYSIS

This bill establishes the Skyhaven airport advisory commission. The commission is to study issues relevant to the transfer of Skyhaven airport from the department of transportation to a local governing body or to another state agency. This bill requires the commission to submit its first report with its findings, recommendations and any legislation necessary to accomplish the transfer to the governor and council, president of the senate and speaker of the house no later than December 15, 1989, and to submit other reports annually thereafter until the transfer is accomplished.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. Torr, Dist. 21; Sen. Preston, Dist. 23.

Conferees on the Part of the House:

Rep. Phelps, Merr. 1; Rep. C. Brown, Graf. 13; Rep. Wheeler, Hills. 10; Rep. Callaghan, Straf. 11.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 111

The committee of conference to which was referred Senate Bill 111, An Act relative to the operation of ski craft having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 270:74, VII and VIII as inserted by section 1 of the bill by replacing them with the following:

VII. No person shall operate a ski craft within 150 feet of another ski craft or of a boat, raft, float, or swimmer unless the speed of the ski craft is reduced to headway speed. No person shall operate a ski craft in a cove, as designated by the commissioner, or within 300 feet of shore, except as provided in paragraph VIII or pursuant to RSA 270:75, V. For the purpose of this paragraph "cove" is defined as a bay or inlet which at its widest point does not exceed 1,000 linear feet.

VIII. A person may operate a ski craft from the shore to any area where the operation of ski craft is allowed, provided that the ski craft shall not be operated at a speed exceeding headway speed within 300 feet from shore or in a cove as defined in RSA 270:74, VII and provided that the ski craft shall be operated in a direct line between the shore and the area where operation is allowed.

Amend RSA 270:75, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The commissioner shall hear all petitions as soon as possible after they are submitted. The commissioner shall give priority to hearing first the petitions submitted on behalf of lakes, ponds, or rivers itemized in section 3 of this act and lakes, ponds, or rivers which are generally considered to have problems with the operation of ski craft as evidenced by the number of complaints submitted. A decision shall be

rendered within 30 days after the hearing. If a body of water is closed in its entirety as a result of hearing pursuant to this paragraph, the effective date of such closing shall be no sooner than October 1, of the year in which the order is issued.

Amend section 3 of the bill by replacing it with the following:

3 Priority Hearings. Pursuant to RSA 270:75, IV, the commissioner shall give priority to hearings on the following lakes, rivers and ponds:

POND	TOWN
Country Pond	Kingston and Newton
Upper Kimball Pond	Chatham
Stinson Lake	Rumney
Rust Pond	Wolfeboro
Lake Wentworth	Wolfeboro
Crescent Lake	Wolfeboro
Wilson Pond	Salem
Big Island Pond	Derry, Atkinson, Hampstead
Pleasant Lake	New London
Little Sunapee	New London
Conway Lake	Conway and Eaton
Canaan St. Lake	Canaan
Connecticut River	Hanover/Lebanon
Northwood Lake	Northwood and Epsom
Deering Lake	Deering
Wicwas Lake	Meredith
Mascoma Lake	Lebanon and Enfield
Ossipee Lake	Ossipee and Freedom
Beaver Lake	Derry
Umbagog Lake	Errol and Cambridge
Suncook Lakes	Barnstead
Long Pond	Northwood
Merrymeeting Lake	New Durham
Spofford Lake	Spofford

4 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. McLane, Dist. 15; Sen. Blaisdell, Dist. 10.

Conferees on the Part of the House:

Rep. George Katsakiores, Rock. 7; Rep. White, Belk. 3; Rep. Bolduc, Belk. 10; Rep. Spear, Ches. 13.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 113-FN-A

The committee of conference to which was referred Senate Bill 113-FN-A, An Act relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Charbonneau, Dist. 14; Sen. St. Jean, Dist. 20.

Conferees on the Part of the House:

Rep. Pappas, Hills. 37; Rep. Frank, Hills. 13; Rep. Hall, Merr. 7; Rep. Appleby, Straf. 7.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 150

The committee of conference to which was referred Senate Bill 150, An Act relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 9 with the following:

9 Study Authorized. The department of transportation shall, with the regional planning commissions and the affected communities, conduct a study and provide recommendations relative to a coordinated approach to the construction and reconstruction of the highways and bridges on the U.S. Route 3 corridor from the city of Manchester, Route I-93, to the City of Concord, Route I-93, considering both through and local traffic. The department shall provide a report to the governor, president of the senate, and speaker of the house of representatives on or before December 1, 1991.

Conferees on the Part of the Senate:

Sen. Torr, Dist. 21; Sen. Nelson, Dist. 13; Sen. Roberge, Dist. 9.

Conferees on the Part of the House:

Rep. Phelps, Merr. 1; Rep. Marsh, Coos 1; Rep. Schotanus, Sull. 1; Rep. Guilbert, Hills. 24.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 153-FN-A

The committee of conference to which was referred Senate Bill 153-FN-A, An Act establishing a committee to study the AFDC program having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 8 with the following:

8 Data Collection; Report to Study Committee.

I. The director, division of human services, department of health and human services, shall begin upon the effective date of this act to collect information from applicants for aid to families with dependent children relative to the precipitating factors which cause such applicants to apply for AFDC. Such precipitating factors

shall include but not be limited to birth of a child, loss of employment, separation from a spouse, establishment of residency in the state, and loss of income other than employment income, whether child support, alimony payments, or other income.

II. Data collected pursuant to paragraph I shall be submitted by the director, division of human services, to the study committee established by this act on a monthly basis for a period of 6 months. The first such report shall be made on or before November 1, 1989.

9 Effective Date. This act shall take effect July 1, 1989.

Conferees on the Part of the Senate:

Sen. Krasker, Dist. 24; Sen. Charbonneau, Dist. 14; Sen. Bond, Dist. 1.

Conferees on the Part of the House:

Rep. Robinson, Hills. 12; Rep. Bennett, Graf. 8; Rep. Micklon, Rock. 20; Rep. Foster, Ches. 17.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 154-FN-A

The committee of conference to which was referred Senate Bill 154-FN-A, An Act relative to timely distribution of sweepstakes revenues through the foundation aid formula having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 School District Expenditure Authorized. Any foundation aid distribution made in excess of the estimates calculated under RSA 198:29 shall be available for expenditure only if such expenditure is approved at a special or annual school meeting as prescribed in RSA 197 and RSA 32 or by the appropriate legislative body in the case of a school district which does not conduct special or annual school meetings. Notwithstanding any other provision of law, the department of revenue administration shall not consider such excess in setting the tax rate or for any other purpose until such approval is made.

AMENDED ANALYSIS

This bill changes the law relative to the distribution of sweepstakes revenues through the foundation aid formula by requiring that the appropriation made in the operating budget be automatically increased by the amount of sweepstakes revenues which are received in excess of the amount originally estimated for that period.

This provision shall not apply, however, to excess sweepstakes revenues not specifically appropriated prior to the effective date of this act.

The bill requires sweepstakes revenues to be continually appropriated to and distributed by the department of education.

The bill also requires that any foundation aid distribution made in excess of amounts originally estimated be approved for expenditure at a special or annual school meeting, or by the appropriate legislative body when a school district does not conduct such meetings, and that the department of revenue administration shall not consider such excess in setting the tax rate until such approval is made.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. Blaisdell, Dist. 10; Sen. Bartlett, Dist. 19.

Conferees on the Part of the House:

Rep. Domaingue, Hills. 42; Rep. Robinson, Hills. 12; Rep. Larson, Graf. 9; Rep. Beaton, Merr. 3.

Rep. Robinson yielded to questions.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 164-FN

The committee of conference to which was referred Senate Bill 164-FN, An Act relative to licensing ophthalmic dispensers having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Stephen, Dist. 18; Sen. Currier, Dist. 7.

Conferees on the Part of the House:

Rep. Pappas, Hills. 37; Rep. Holmes, Merr. 13; Rep. Stio, Merr. 5; Rep. Pignatelli, Hills. 31.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 168-FN

The committee of conference to which was referred Senate Bill 168-FN, An Act establishing a division of fire service having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 2 of the bill by deleting paragraph III.

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Group II Membership; Firefighters. Amend RSA 100-A:3 by inserting after paragraph III-a the following new subparagraph:

III-b. Notwithstanding the provisions of RSA 100-A:1, VIII, any permanent fireman who has been a group II member and who has 10 years fire service experience, or any person included in the definition of "fire service personnel" as defined in RSA 21-P:25, II(b) who has 10 years' fire service experience, who is or becomes the director of fire service, the administrator of the fire standards and training commission, any fire instructor, supervisor, instructor, or other technical specialist who has hazardous materials, fire fighting, or rescue training functions and who has as a job requirement satisfied the fire standards and training commission's entrance and certification requirements for physical condition, education, and training shall be construed to be a permanent fireman for the purposes of membership in group II and shall remain in the system for the duration of his service in that capacity with the fire standards and training commission.

9 Existing Employees. Any fire service personnel certified according to RSA 21-P who as a job requirement has satisfied the minimum standards as determined by the fire standards and training commission for physical condition, education, and training, who is employed in group I as the chief of fire service training, position #13760, or fire instructor supervisors, positions #18213 and #18478, with the fire standards and training commission on the effective date of this act shall be transferred to group II and his benefits upon retirement shall be determined as the sum of the retirement allowances with the period of creditable service in each classification, as provided in RSA 100-A:19-a through 100-A:19-h.

10 Local Fire Departments. Nothing in this act shall prevent local fire departments from raising and using local funds.

11 Effective Date. This act shall take effect July 1, 1989.

Conferees on the Part of the Senate:

Sen. Freese, Dist. 4; Sen. Disnard, Dist. 8; Sen. Bartlett, Dist. 19.

Conferees on the Part of the House:

Rep. Powers, Carr. 5; Rep. Ballou, Belk. 5; Rep. Weymouth, Graf 2; Rep. Richardson, Belk. 5.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 175-FN-A

The committee of conference to which was referred Senate Bill 175-FN-A, An Act making an appropriation to the arts development program having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees on the Part of the Senate:

Sen. Dupont, Dist. 6; Sen. Blaisdell, Dist. 10; Sen. Podles, Dist. 16.

Conferees on the Part of the House:

Rep. Hill, Merr. 14; Rep. Robinson, Hills. 12; Rep. Hall, Merr. 7; Rep. Sander-son, Rock. 25.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 191-FN-A

The committee of conference to which was referred Senate Bill 191-FN-A, An Act relative to telecommunications devices for the deaf and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sen. Heath, Dist. 3; Sen. Johnson, Dist. 17; Sen. Nelson, Dist. 13.

Conferees on the Part of the House:

Rep. Copenhagen, Graf. 12; Rep. K. Wheeler, Straf. 4; Rep. Amidon, Hills. 7; Rep. Hager, Merr. 21.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 196-FN

The committee of conference to which was referred Senate Bill 196-FN, An Act relative to bail reform having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 Bail; When Allowed. Amend RSA 597:1 to read as follows:

597:1 Release and Detention Authority Generally. Where the offense is punishable by death or for murder in the first degree where the proof is evident or the presumption is great, the person shall not be allowed bail. All other persons arrested for an offense shall, before conviction, *be eligible to* be released [or detained] pending judicial proceedings, [pursuant to] *upon compliance with* the provisions of this chapter.

2 Release or Detention Pending Sentence or Appeal. Amend RSA 597:1-a to read as follows:

597:1-a Release or Detention of a Defendant Pending Sentence or Appeal.

I. After conviction for an offense punishable by death or by a term of life imprisonment without possibility of parole, a defendant shall not be allowed bail.

II. Except as provided in paragraph I, the court shall order that a person who has been found guilty of a felony and who is awaiting imposition or execution of sentence be detained, unless the court finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of the person or to any other person or the community [in accordance with the provisions of RSA 597:6-a, II or III]. If the court makes such a finding, it shall order the release of the person in accordance with the provisions of RSA [597:6-a, II or III] **597:2**.

III. The court shall order that a person who has been found guilty of a felony and sentenced to a term of imprisonment and who has filed an appeal be detained, unless the person establishes and the court finds:

(a) By clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of the person or to any other person or the community if released pursuant to RSA [597:6-a, II or III] **597:2**. The court shall consider, but not be limited to the following criteria in determining whether bail is proper under the circumstances:

(1) Whether the person is likely to pose a danger to himself or to any other person or the community, intimidate witnesses, or otherwise interfere with the administration of justice.

(2) Whether there is a substantial risk that the person will not appear to answer the judgment following the conclusion of the appellate proceeding.

(3) The nature of the crime charged.

(4) The length of the sentence imposed.

(b) By a preponderance of the evidence that the appeal is not frivolous or taken merely for delay.

If the court makes such findings, it shall order the release of the person in accordance with the provisions of RSA [597:6-a, II or III] **597:2**.

IV. Any person who has been found guilty of a misdemeanor and who is awaiting imposition or execution of sentence, or who has been sentenced to a term of imprisonment and who has filed an appeal shall, before the conclusion of the appellate proceeding, be[:

(a) Released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of RSA 597:6-a, II; or

(b) Released on a condition or combination of conditions pursuant to the provisions of RSA 597:6-a, III], *released upon compliance with the provisions of RSA 597:2*.

V. In any case where release is denied pending appeal, the court shall provide for the record the reasons for such denial.

VI. The court shall treat a defendant in a case in which an appeal has been taken by the state pursuant to the provisions of RSA 606:10, in accordance with the provisions of RSA [597:6-a] **597:2**, unless the defendant is otherwise subject to a release or a detention order.

3 Release of a Defendant Pending Trial. RSA 597:2 is repealed and reenacted to read as follows:

597:2 Release of a Defendant Pending Trial.

I. Upon the appearance before the court or justice of a person charged with an offense, the court or justice shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph II;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph V.

II. The court or justice shall order the prearraignment or pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a crime during the period of his release, and subject to such further condition or combination of conditions that the court may require, unless the court determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other person or the community.

III. If the court or justice determines that the release described in paragraph II will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other person or the community, he shall issue an order that includes the following conditions:

(a) The condition that the person not commit a crime during the period of release; and

(b) Such further condition or combination of conditions, that he determines will reasonably assure the appearance of the person as required and the safety of the person or of any other person or the community, which may include the condition that the person:

(1) Execute an agreement to forfeit upon failing to appear as required, such designated property, including money, as is reasonably necessary to assure the ap-

pearance of the person as required, and post with the court such indicia of ownership of the property or such percentage of the money as the court or justice may specify;

(2) Furnish bail for his appearance by recognizance with sufficient sureties or by deposit of moneys equal to the amount of the bail required as the court or justice may direct; and

(3) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of the person or of any other person or the community.

In considering the conditions of release described in subparagraph III(b)(1) or III(b)(2), the court may upon its own motion, or shall upon the motion of the estate, conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation, or the use as collateral, of property that because of its source, will not reasonably assure the appearance of the person as required.

IV. In a release order issued pursuant to the provisions of this section, the court or justice shall include a written statement that:

(a) Sets forth all of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to intimidation of witnesses and informants.

V. A person charged with an offense who is, and was at the time of the offense was committed, on

(a) Release pending trial for a felony or misdemeanor under federal or state law;

(b) Release pending imposition of execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or

(c) Probation or parole for any offense under federal or state law, may be detained for a period of not more than 72 hours from the time of his arrest, excluding Saturdays, Sundays and holidays, and the law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state or local law enforcement official. If the official fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

4 Appearance at Superior Court. Amend RSA 597:6 to read as follows:

597:6 Appearance at Superior Court. If the offense is bailable by the municipal or district court, the accused shall be ordered to recognize, in accordance with the provisions of RSA [597:6-a] **597:2**, for his appearance at the superior court, at the next term thereof for the county at which a grand jury is required to attend, and to stand committed until the order is complied with.

5 Release or Detention of Material Witness. Amend RSA 597:6-d to read as follows:

597:6-d Release or Detention of Material Witness. If it appears from an affidavit filed by a party that the testimony of a person is material in a criminal proceeding, and if it is shown that it may become impracticable to secure the presence of the person by subpoena, a justice of the court in which the defendant will be tried may order the arrest of the person and treat the person in accordance with the provisions of RSA

[597:6-a] **597:2.** No material witness may be detained because of inability to comply with any condition of release if the trial testimony of such witness can adequately be secured by deposition, and if further detention is not necessary to prevent a failure of justice. Release of a material witness may be delayed for a reasonable period of time until the trial deposition of the witness may be taken.

6 Review and Appeal of Release or Detention Order. RSA 597:6-e is repealed and reenacted to read as follows:

597:6-e Review and Appeal of Release or Detention Order.

I. If a person is ordered released by a bail commissioner, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. The person, or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice or by a bail commissioner. The motion shall be determined promptly.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

7 Detention and Sanctions for Default or Breach of Conditions. Amend RSA 597:7-a to read as follows:

597:7-a Detention and Sanctions for Default or Breach of Conditions.

I. A peace officer may detain an accused until he can be brought before a justice if he has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if he witnesses a breach of conditions of release. The accused shall be brought before a justice for a bail revocation hearing within 24 hours, Sundays and holidays excepted.

II. A person who has been released pursuant to the provisions of [RSA 597:6-a] *this chapter* and who has violated a condition of his release is subject to a revocation of release, an order of detention, and a prosecution for contempt of court.

III. The [attorney general or county attorney] *state* may initiate a proceeding for revocation of an order of release by filing a motion with the [justice who] *court which* ordered the release and [whose] order *of which* is alleged to have been violated. The court may issue a warrant for the arrest of a person charged with violating a condition of release, and the person shall be brought before the court for a proceeding in accordance with this section. The court shall enter an order of revocation and detention if, after a hearing, the court:

(a) Finds that there is:

(1) Probable cause to believe that the person has committed a federal, state, or local crime while on release; or

(2) Clear and convincing evidence that the person has violated any other condition of his release; and

(b) Finds that:

(1) [Based on the factors set forth in RSA 597:6-a, VIII,] There is no condition or combination of conditions of release that will assure that the person will not flee or that the person will not pose a danger to the safety of himself or any other person or the community; or

(2) The person is unlikely to abide by any condition or combination of conditions of release.

If there is probable cause to believe that, while on release, the person committed a federal[, *or* state[, or local] felony, a rebuttable presumption arises that no condition or combination of conditions will assure that the person shall not pose a danger to the safety of any other person or the community. If the court finds that there are conditions of release that shall assure that the person will not flee or pose a danger to the safety of *himself or* any other person or the community, and that the person will abide by such conditions, he shall treat that person in accordance with the provisions of RSA [597:6-a] **597:2** and may amend the conditions of release accordingly.

IV. The [court] *state* may commence a prosecution for contempt if the person has violated a condition of his release.

8 Penalty for Offense Committed While on Release. Amend RSA 597:14-b, to read as follows:

597:14-b Penalty for Offense Committed While on Release.

I. A person convicted of an offense while released pursuant to this chapter shall be sentenced, in addition to the sentence prescribed for the offense to:

(a) A *maximum* term of imprisonment of not more than 7 years if the offense is a felony; or

(b) A maximum term of imprisonment of not more than one year if the offense is a misdemeanor.

II. A term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment. Neither the penalty provided by this section or any prosecution under this section shall interfere with or prevent the forfeiture of any bail or the exercise by the court of its power to punish for contempt[, but this section shall be construed to provide an additional penalty for failure to appear].

9 Declaration of Forfeiture. RSA 597:31 is repealed and reenacted to read as follows:

597:31 Declaration of Forfeiture. If any party recognized to appear makes default, the recognizance shall be declared forfeited, and the state may cause proceedings to be had immediately for the recovery of such forfeiture.

10 Cross-Reference. Amend RSA 262:27, III to read as follows:

III. Upon the failure of any nonresident to comply with the terms of such a traffic citation, the court having jurisdiction shall issue a warrant for his arrest and he shall be subject to the penalty provisions of RSA [597:14-b] **642:8**. The court shall notify the department of the failure of the cited nonresident to appear. Said notification shall clearly identify the person arrested; describe the violation, specifying the section of the statute, code or ordinance violated; shall indicate the location of the offense, give description of vehicle involved, and show the registration or license number of the vehicle.

11 Repeal. RSA 597:6-a, relative to release or detention of a defendant pending trial.

12 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill restructures the current laws on bail and recognizances. It sets out conditions under which persons convicted of felonies and misdemeanors may be released pending sentencing or appeal. It establishes requirements for release orders.

The bill revises the penalty for an offense committed while released. It also corrects certain cross-references.

Conferees on the Part of the Senate:

Sen. Podles, Dist. 16; Sen. Charbonneau, Dist. 14; Sen. Nelson, Dist. 13.

Conferees on the Part of the House:

Rep. Gage, Rock. 13; Rep. Martling, Straf. 4; Rep. Johnson, Merr. 5; Rep. Stamatakis, Sull. 4.

Reps. Hollingworth and Burling spoke against the report and yielded to questions.

Reps. Stamatakis and Thomas Gage spoke in favor of the report and yielded to questions.

A division was requested.

206 members having voted in the affirmative, 125 in the negative, the report was adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 203-FN

The committee of conference to which was referred Senate Bill 203-FN, An Act relative to employing minors enrolled in school having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Certificates. Amend RSA 276-A:5, I and II to read as follows:

I. Certificates shall be issued by principals of schools or persons authorized by them *only after the determination of a satisfactory level of academic performance by the student*, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools. If a student does not continue to meet a satisfactory level of academic performance after the issuance of the certificate, the principals of schools or persons authorized by them may revoke the certificate. In the event principals of schools or their designees revoke a certificate, notification of the revocation shall be made to the parent or legal guardian, the employer of the student, and the department of labor within 48 hours. Upon receiving the notice of revocation, the department of labor shall investigate the compliance of the revocation within 90 days.

II. Certificates *shall in all cases include a signature line for the parent or legal guardian of the youth and* shall show proof of (1) age[,] *and* (2) adequate health, except that the certificates of youths 16 years *of age* or older shall show proof of age only.

Conferees on the Part of the Senate:

Sen. Disnard, Dist. 8; Sen. Charbonneau, Dist. 14; Sen. Nelson, Dist. 13.

Conferees on the Part of the House:

Rep. Bolduc, Belk. 10; Rep. Domaingue, Hills. 42; Rep. Guest, Graf. 12; Rep. Larson, Graf. 9.

Rep. Lionel Boucher spoke against the report.

Rep. Bolduc spoke in favor of the report and yielded to questions.

Report adopted.

COMMITTEE OF CONFERENCE REPORTS**(Speaker in the Chair)**

HB 29, relative to liquor laws. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 42, relative to actuarial review of rate filings. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 50, exempting the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 70, establishing a study committee to examine the vocational education system. (Report printed SJ 25, 5/23/89)

Rep. Phelps yielded to questions.

Report adopted.

HB 85, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 104, relative to common and contract carriers. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 117, relative to feeding garbage to swine. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 146, relative to the milk standard. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 222, limiting horsepower of motors on Indian Pond in the town of Orford. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 260, relative to distribution of catastrophic aid. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 262, extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 270, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor. (Report printed SJ 25, 5/23/89)

Report adopted.

Rep. Powers and Burton moved that Joint Rule 20-d, which in part prohibits a Committee of Conference from changing the title of any bill submitted to it, be suspended, to permit the conference report on HB 273, an act authorizing the transfer of sick and annual leave and longevity credit for certain state employees, to be considered at the present time.

Adopted by the necessary two-thirds.

HB 273, authorizing the transfer of sick and annual leave and longevity credit for certain state employees. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 288, relative to penalties for aggravated DWI and for negligent homicide. (Report printed SJ 25, 5/23/89)

Reps. Jacobson and Lozeau spoke against the report.

Reps. Jasper and Thomas Gage spoke in favor of the report and yielded to questions.

A division was requested.

201 members having voted in the affirmative, 123 in the negative, the report was adopted.

HB 327, relative to the rate of the real estate transfer tax. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 371, relative to licensing respiratory care practitioners and making an appropriation therefor. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 384, establishing a task force to review the recommendations of the Manchester Airport and highway study. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 385, making appropriations for vacation travel promotion and increasing the rate of the tobacco tax. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 434, relative to franchising and regulation of cable television systems and making an appropriation therefor. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 502, relative to disclosure of mental health information. (Report printed SJ 25, 5/23/89)

Report adopted.

(Deputy Speaker Burns in the Chair)

HB 578, relative to victims' assistance and compensation. (Report printed SJ 25, 5/23/89)

Rep. Gage yielded to questions.

Report adopted.

HB 582, relative to a committee to review surface water use restrictions on the public waters of the state. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 594, to reinstate medical and surgical benefits for certain retired employees. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 613, relative to the method for granting supplemental allowances to New Hampshire retirement system members. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 629, relative to gravesites. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 650, relative to removing tax collectors. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 654, creating a committee to study what organizations may participate in the New Hampshire retirement system. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 658, establishing a committee to study laws relative to depositions. (Report printed SJ 25, 5/23/89)

Rep. McCain explained the report.

Report adopted.

HB 677, relative to modification of child support guidelines. (Report printed SJ 25, 5/23/89)

Rep. McCain explained the report.

Report adopted.

HB 693, relative to the leasing of submerged tidal lands. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 710, regulating the use of social security numbers by the department of safety. (Report printed SJ 25, 5/23/89)

Report adopted.

Rep. Frank wished to be recorded against the report.

HB 764, relative to state revenues and appropriations. (Report printed SJ 25, 5/23/89)

Report adopted.

HB 766, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements. (Report printed SJ 25, 5/23/89)

Report adopted.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet on Wednesday, May 24 at 2:00 p.m.

Adopted.

SENATE MESSAGE

CONCURRENCE WITH AMENDMENT

SB 109, establishing a pilot reading recovery program and relative to the state board of education.

Rep. Stacey Cole moved that the House stand in recess for the purpose of Enrolling Reports only.

Adopted.

The House recessed at 4:30 p.m.

RECESS

Rep. Stacey Cole moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 29

Wednesday, May 24, 1989

The House assembled at 2:15 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain Rev. John B. McCall.

O God of beginnings and endings, who has been present with us even when we have failed to notice, we give You thanks for the privileges of serving the people of this state. We have labored hard, debated endlessly, and have produced obscene amounts of paperwork. We have argued and have even questioned others' motives. We have pondered and have prayed for the well being of those whom we represent.

Today, Holy One, grant us a sense of satisfaction - not smugness - but a genuine feeling that we have done what we have been called to do. As we are scattered to many places, comfort those whose lives are broken, hold those whose spirits are weary, humble those who are filled with pride, fill those who are empty from serving. And grant that we may take our place in the great cloud of witnesses who have heard the words: "Well done, good and faithful servant." Amen

Rep. Lewis led the Pledge of Allegiance.

Rep. Warburton addressed the House by unanimous consent.

Mr. Speaker, in choosing a Chaplain these last two sessions, the committees emphasized that prayers should not include any phrases specifically belonging to any religious group. Rather that prayers should use only language acceptable to all religious beliefs.

Also, a special request was made to have guest chaplains representing different groups.

Those items our Chaplain, the Reverend John McCall, has done, and has in some instances worked hard to fulfill.

Beyond that, Chaplain McCall has a unique ability in using English to speak to the needs of the day. He does this without instructing the Almighty and without giving the Almighty's instructions to the House.

In fact, he has done so with what the signers of the Declaration of Independence referred to as "a firm reliance on the protection of Divine Providence."

I, for one, salute the Chaplain for his accomplishments.

COMMUNICATION

Rep. White read the following letter to the House:

Dear Representative White,

I am aware of the fact that there has been concern expressed over the manner in which watercraft safety hearings have been conducted.

Please be assured that I have every intention of correcting any problems which may have occurred in conjunction with these hearings in the past and I will make sure that all future hearings will be fair and reasonable.

Richard M. Flynn
Commissioner
Department of Safety

LEAVES OF ABSENCE

Reps. Roulston, Vivian Barry, Daniel Eaton, Ann Derosier and Eunice Campbell, the day, illness.

Reps. Stamatakis, Gordon Flint, Gerald Smith, Drake, Kincaid, John King, Ballou, Swope, Hatch and Soldati, the day, important business.

Reps. George Wright, Joseph MacDonald, Hynes, Doucette, Biondi and Holmes, the day, illness in the family.

INTRODUCTION OF GUESTS

Eleanor Dawson, guest of Reps. Parr and Scamman; Seth Wall, son, Colonel Richard Burkholder and Professor Kenneth Morrow, former state Representative, guests of Rep. Wall; Marjorie Daly, wife of Rep. Daly.

Rep. McDowell addressed the House by unanimous consent.

GOVERNOR'S VETO MESSAGE ON HB 330

To The Honorable Members of the General Court:

I have this day vetoed House Bill 330, An Act relative to exemption from the gasoline tax and state license plates.

This legislation would authorize the same refund of the gasoline tax and permit the use of special state license plates for vehicles owned and operated by the Community Action Programs as is currently permitted for publicly owned vehicles.

While I recognize and appreciate the good work and the valuable service by the several community action programs, I am reluctant to sign legislation that establishes the precedent of treating one segment of the social service provider network differently from all others.

This legislation also raises a legitimate question as to whether or not it meets the test Part II, Article 6-a of the Constitution of the State of New Hampshire which restricts certain revenues to highway purposes.

It is for these reasons that I feel this legislation is not appropriate.

Judd Gregg
Governor

Question being, notwithstanding the Governor's veto, shall HB 330 pass.

Reps. O'Rourke and Kurk spoke in favor.

Rep. Millard spoke against.

(Deputy Speaker Burns in the Chair)

Rep. Michael Hill spoke against and yielded to questions.

Rep. LaMott spoke in favor.

YEAS 249

NAYS 87

YEAS 249 BELKNAP

Bolduc, Dennis R.
Hawkins, Robert S.
Randall, Kenneth A.
Turner, Robert H.

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rice, Thomas E. P., Jr.
Ziegra, Alice S.

Hardy, Earle D.
Pearson, Ralph W.
Richardson, Lawrence

CARROLL

Daly, Robert J., Jr.
Olimpio, J. Lisbeth

Dodge, Arthur G., Jr.
Powers, Gerard E., Jr.

MacDonald, Kenneth J.

CHESHIRE

Blacketor, Paul G.
 Foster, Katherine D.
 Perry, David M.

Cole, Kenneth A.
 LaMar, David M.
 Pratt, Irene A.

Crutchley, Donald O.
 Miller, Jeffrey C.
 Spear, Susan S.

COOS

Brungot, Catherine V.
 Guay, Lawrence J.
 Marsh, Beaton
 Oleson, Otto H.

Buckley, C. Fitzgerald, III
 Horton, Lynn C.
 Mayhew, Josephine
 Theriault, Romeo J.

Dumont, Robert E.
 Kilbride, Dennis J.
 Nelson, Harold D.
 Woodburn, Jeffrey R.

GRAFTON

Adams, Carl S.
 Bennett, Shirley M.
 Densmore, Edward D.
 Guest, Robert H.
 Nordgren, Sharon L.
 Shackett, Ralph E.
 Wadsworth, Karen O.

Arnesen, Deborah L.
 Chambers, Mary P.
 Dow, David O.
 LaMott, Paul I.
 Rose, William B.
 Stewart, Roger
 Ward, Kathleen W.

Bean, Pamela B.
 Copenhaver, Marion L.
 Driscoll, William J.
 Markley, J. Keith
 Scanlan, David M.
 Teschner, Douglass P.
 Weymouth, Philip H.

HILLSBOROUGH

Ahrens, Frederick G.
 Baldizar, Barbara J.
 Bourque, Ann J.
 Desrosiers, William J.
 Drabinowicz, A. Theresa
 Dyer, Merton S.
 Emerton, Lawrence A., Sr.
 Foote, Herbert N., Sr.
 Gagnon, Gabrielle V.
 Grip, Robert H.
 Healy, Daniel J.
 Jean, Romeo W.
 Kelley, Robert N.
 Lawrence, Norman B.
 Lozeau, Donnalee M.
 McNerney, Daniel P.
 Murphy, Robert E.
 Packard, Bonnie B.
 Pignatelli, Debora B.
 Robinson, Ellen-Ann
 Smith, Leonard A.
 Toomey, Daniel
 Upton, Barbara A.

Amidon, Eleanor H.
 Barry, Janet G.
 Burkush, Peter A.
 Dodge, Emma M.
 Dube, Ellen C.
 Dykstra, Leona
 Fields, Dennis H.
 Ford, Nancy M.
 Goulet, Maurice E.
 Guilbert, Lionel
 Holden, Carol H.
 Jenkins, Mary
 Knight, Alice Tirrell
 Long, Linda D.
 McCann, Bonnie Lou
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pappas, Toni
 Prestipino, Bartolo V.
 Sallada, Roland A.
 Soucy, Lillian E.
 Turgeon, Roland M.

Andrews, Frederick B.
 Barry, William M.
 Desrochers, Gerard T.
 Donovan, Francis X.
 Dwyer, Patricia R.
 Elliott, Larry G.
 Flood, Jacqueline J.
 Frank, Nancy G.
 Green, Scott E.
 Hall, Betty B.
 Hultgren, David D.
 Johnson, Lionel W.
 Kurk, Neal M.
 Lown, Elizabeth D.
 McDowell, James E.
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Rheault, Lillian I.
 Schneiderat, Catherine A.
 Stiles, Walter A.
 Tyree, Paul M.

MERRIMACK

Anderson, Eleanor M.
 Boucher, Laurent J.
 Daneault, Gabriel
 Fillion, Paul R.
 Hayes, Robert C.
 Lockwood, Robert A.
 Phelps, James D.

Bardsley, Elizabeth S.
 Braiterman, Thea G.
 Dunn, Miriam D.
 Fraser, Leo W., Jr.
 Jacobson, Alf E.
 Nichols, Avis B.
 Provencal, Leo A.

Beaton, Nancy C.
 Carter, Susan D.
 Fair, Patricia A.
 Hager, Elizabeth
 Kidder, William F.
 Pfaff, Terence R.
 Stio, Peter M.

Teague, Bert
West, George M.

Tolpin, Richard W.

Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
Blanchard, MaryAnn N.
Caswell, Albert, Jr.
Cooke, Annette M.
Flanders, Harry E.
Gage, Beverly A.
Hoar, John, Jr.
Johnson, Robert A.
King, Roger C.
Lovejoy, Virginia K.
Mace, Ada L.
McCarthy, John J., Jr.
Palumbo, Vincent J., Jr.
Parsons, Robert F.
Remick, Barbara R.
Sanderson, Patricia O.
Seward, Russell G.
Splaine, John E., Sr.
Vartanian, Elsie
Weddle, Michael R.

Bell, Juanita L.
Boucher, William P.
Chase, Lawrence A., Jr.
Cote, Patricia L.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Kane, Cecelia D.
Klemarczyk, Thaddeus E.
MacDonald, Maurice B.
Magoon, Harold F.
McGovern, Cynthia A.
Pantelakos, Laura C.
Popov, Elizabeth M.
Ritzo, Eugene
Scamman, W. Douglas, Jr.
Skinner, Patricia M.
Sytek, Donna P.
Vaughn, Charles L.
Wells, Henry E.

Benton, Richardson D.
Brown, Lewis W.
Conroy, Janet M.
Felch, Charles H., Sr.
Ford, Bert H.
Haynes, Richard L.
Hollingworth, Beverly A.
Katsakiores, Phyllis M.
Klemm, Arthur P., Jr.
MacKinnon, Nancy W.
McCain, William F.
Micklon, Stephanie K.
Parr, Ednapearl F.
Raynowska, Bernard J.
Rosencrantz, James R.
Senter, Marilyn P.
Sochalski, Matthew M.
Tufts, J. Arthur
Warburton, Calvin
Wright, David B.

STRAFFORD

Appleby, James E.
Brown, Julie M.
Dionne, Albert J.
Foss, Patricia H.
Keans, Sandra B.
Marston, Robert E.
Merrill, Amanda A.
O'Brien, John
Spencer, Leo J.
Torr, Ann M.
Wheeler, Katherine Wells

Bernard, Mary E.
Burton, Wayne M.
Flynn, Anita A.
Frechette, Roland A.
Kinney, Paula J.
Martling, W. Kent
Meserve, John H.
Pelley, Janet R.
Stewart, Glenn W.
Torr, Ralph W.
Young, John B.

Bickford, Drucilla
Callaghan, Robert J.
Flynn, Edward J.
Gilmore, Gary R.
Lachance, Douglas A.
McCann, William H., Jr.
Musler, George T.
Scharff, Thomas E.
Sullivan, Henry P.
Wall, Janet G.

SULLIVAN

Brodeur, Robert J.
Krueger, Richard H.
Schotanus, Merle W.

Burling, Peter Hoe
MacAskill, Kenneth M.

Hinrichsen, Keith L.
Peyron, Fredrik

NAYS 87

BELKNAP

Golden, Paul A.
Rosen, Ralph J.

Holbrook, Robert G.
Vogler, Charles C.

Locke, Matthew J.
White, James J.

CARROLL

Allard, Nanci A.
Saunders, Howard N.

Dickinson, Howard C., Jr.
Wiggin, Allen R.

Foster, Robert W.

CHESHIRE

Avery, Stephen G.
Gordon, Irvin H.

Cole, Stacey W.
Grodin, Richard A.

Delano, Robert F.
Hill, Douglas E.

Laurent, John J.
Pearson, Gertrude B.

Metzger, Katherine H.
Sawyer, Alfred P.

Morse, JoAnn T.

COOS

Merrill, Gerald P.

GRAFTON

Brown, Channing T.
Larson, Nils H., Jr.

Christy, C. Dana
Townsend, Howard C.

Hill, Richard L.

HILLSBOROUGH

Alukonis, David J.
Bowers, Dorothy C.
Domaingue, Jacquelyn M.
Hunter, Bruce F.
Kress, Gloria W.
Mason, Howard F.
Ouellette, Robert O.
Record, Alice B.
Steiner, Lee Anne S.
Wheeler, David K.

Bicknell, Robert C.
Brady, Carolyn L.
Drolet, Paul L., Jr.
Jasper, Shawn N.
Lachut, Ervin R.
McRae, Karen
Perham, Lester R.
Riley, Frances L.
Tarpley, Nancy L.
Young, Willard N.

Boucher, Lionel R.
Cox, Gladys M.
Harlan, Susan N.
Keefe, Edmund M.
Lefebvre, Roland J.
Messier, Irene M.
Provost, Gilles R.
Searles, Stanley N., Sr.
Vanderlosk, Stanley R.

MERRIMACK

Barberia, Richard A.
Hill, Michael
Millard, Elizabeth S.

Gilbreth, Robert M.
Johnson, C. William
Pantzer, Eugene E.

Gross, Caroline L.
Lewis, Mary Ann
Shaw, Randall F.

ROCKINGHAM

Brown, Jeffrey M.
Fesh, Robert M.
Gage, Thomas U.
McKinney, Betsy
Sherburne, John L.

Campbell, Marilyn R.
Flanagan, Natalie S.
Katsakiores, George N.
Palazzo, Frank J., Sr.
Simon, Peter M.

Dube, LeRoy S.
Forsythe, Douglas G.
Malcolm, Kenneth W.
Schmidtchen, Rowland
Welch, David A.

STRAFFORD

Parks, Joe B.

Tsiros, William

SULLIVAN

Behrens, Thomas A.
Rodeschin, Beverly T.

Domini, Irene C.

Middleton, John A.

and the bill passed by the constitutionally required two-thirds.

(Speaker in the Chair)

GOVERNOR'S VETO MESSAGE ON HB 664

To The Honorable Members of the General Court:

I have this day vetoed House Bill 664, An Act transferring enforcement authority over the equal pay act from the Labor Commissioner to the Commission for Human Rights.

I have done so because these activities and responsibilities are currently handled effectively by the Department of Labor and this legislation would not facilitate or improve the current practice.

It is my opinion that given the ever expanding caseload of the Human Rights Commission, coupled with their substantial caseload backlog, that it would be counterproductive to assign any new and expanded functions to this already overloaded agency.

It is for these reasons that I must veto House Bill 664.

Judd Gregg
Governor

Question being, notwithstanding the Governor's veto, shall HB 664 pass.
Reps. Wallner, Guay and Hawkins spoke in favor and yielded to questions.
Reps. Fraser, Rodeschin and Ward spoke against and yielded to questions.

YEAS 166

NAYS 175

**YEAS 166
BELKNAP**

Campbell, Richard H., Jr.
Maviglio, Steven R.
Rosen, Ralph J.
Ziegra, Alice S.

Hardy, Earle D.
Randall, Kenneth A.
Turner, Robert H.

Hawkins, Robert S.
Rice, Thomas E. P., Jr.
White, James J.

CARROLL

MacDonald, Kenneth J.

Olimpio, J. Lisbeth

CHESHIRE

Blacketor, Paul G.
Foster, Katherine D.
Spear, Susan S.

Cole, Kenneth A.
LaMar, David M.

Crutchley, Donald O.
Pratt, Irene A.

COOS

Brungot, Catherine V.
Guay, Lawrence J.
Merrill, Gerald P.
Theriault, Romeo J.

Burns, Harold W.
Kilbride, Dennis J.
Nelson, Harold D.
Woodburn, Jeffrey R.

Dumont, Robert E.
Mayhew, Josephine
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Bennett, Shirley M.
Copenhaver, Marion L.
Guest, Robert H.
Teschner, Douglass P.

Arnesen, Deborah L.
Brown, Channing T.
Densmore, Edward D.
Nordgren, Sharon L.

Bean, Pamela B.
Chambers, Mary P.
Eno, Larry E.
Stewart, Roger

HILLSBOROUGH

Alukonis, David J.
Barry, Janet G.
Burkush, Peter A.
Domaingue, Jacquelyn M.
Dube, Ellen C.
Elliott, Larry G.
Frank, Nancy G.
Green, Scott E.
Holden, Carol H.
Lachut, Ervin R.
Lozeau, Donnalee M.
Moore, Elizabeth A.
Nardi, Theodora P.
Pignatelli, Debora B.
Soucy, Lillian E.
Tyree, Paul M.

Amidon, Eleanor H.
Barry, William M.
Desrochers, Gerard T.
Donovan, Francis X.
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Gagnon, Gabrielle V.
Guilbert, Lionel
Jean, Romeo W.
Long, Linda D.
McDowell, James E.
Morrissette, Roland A.
Packard, Bonnie B.
Rheault, Lillian I.
Toomey, Daniel
Young, Willard N.

Baldizar, Barbara J.
Bourque, Ann J.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dykstra, Leona
Flood, Jacqueline J.
Genest, Fernand A.
Hall, Betty B.
Johnson, Lionel W.
Lown, Elizabeth D.
McNerney, Daniel P.
Murphy, Robert E.
Pepino, Leo P.
Robinson, Ellen-Ann
Turgeon, Roland M.

MERRIMACK

Anderson, Eleanor M.
 Braiterman, Thea G.
 Fair, Patricia A.
 Phelps, James D.
 Teague, Bert

Barberia, Richard A.
 Daneault, Gabriel
 Gilbreth, Robert M.
 Provencal, Leo A.
 Tolpin, Richard W.

Beaton, Nancy C.
 Dunn, Miriam D.
 Jacobson, Alf E.
 Stio, Peter M.
 Wallner, Mary Jane

ROCKINGHAM

Anderson, Carl F., III
 Boucher, William P.
 Conroy, Janet M.
 Ford, Bert H.
 Kane, Cecelia D.
 MacKinnon, Nancy W.
 McGovern, Cynthia A.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Rosencrantz, James R.
 Splaine, John E., Sr.
 Weddle, Michael R.

Bell, Juanita L.
 Brown, Lewis W.
 Cote, Patricia L.
 Gage, Beverly A.
 Klemarczyk, Thaddeus E.
 Magoon, Harold F.
 Micklon, Stephanie K.
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Sytek, Donna P.
 Wells, Henry E.

Blanchard, MaryAnn N.
 Caswell, Albert, Jr.
 Flanders, Harry E.
 Hollingworth, Beverly A.
 Lovejoy, Virginia K.
 McCain, William F.
 Palumbo, Vincent J., Jr.
 Parsons, Robert F.
 Ritzo, Eugene
 Senter, Marilyn P.
 Tufts, J. Arthur

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Anita A.
 Keans, Sandra B.
 Martling, W. Kent
 O'Brien, John
 Spencer, Leo J.
 Wall, Janet G.

Bernard, Mary E.
 Burton, Wayne M.
 Flynn, Edward J.
 Lachance, Douglas A.
 McCann, William H., Jr.
 Pelley, Janet R.
 Sullivan, Henry P.
 Wheeler, Katherine Wells

Bickford, Drucilla
 Callaghan, Robert J.
 Gilmore, Gary R.
 Marston, Robert E.
 Merrill, Amanda A.
 Scharff, Thomas E.
 Torr, Ann M.

Brodeur, Robert J.

Burling, Peter Hoe

Hinrichsen, Keith L.

SULLIVAN**NAYS 175****BELKNAP**

Bolduc, Dennis R.
 Locke, Matthew J.
 Vogler, Charles C.

Golden, Paul A.
 Pearson, Ralph W.

Holbrook, Robert G.
 Richardson, Lawrence

CARROLL

Allard, Nanci A.
 Dodge, Arthur G., Jr.
 Saunders, Howard N.

Daly, Robert J., Jr.
 Foster, Robert W.
 Wiggins, Allen R.

Dickinson, Howard C., Jr.
 Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
 Gordon, Irvin H.
 Hunt, John B.
 Miller, Jeffrey C.
 Perry, David M.

Cole, Stacey W.
 Grodin, Richard A.
 Laurent, John J.
 Morse, JoAnn T.
 Sawyer, Alfred P.

Delano, Robert F.
 Hill, Douglas E.
 Metzger, Katherine H.
 Pearson, Gertrude B.

COOS

Buckley, C. Fitzgerald, III

Horton, Lynn C.

Marsh, Beaton

GRAFTON

Christy, C. Dana
Hill, Richard L.
Rose, William B.
Townsend, Howard C.
Weymouth, Philip H.

Dow, David O.
Larson, Nils H., Jr.
Scanlan, David M.
Wadsworth, Karen O.

Driscoll, William J.
Markley, J. Keith
Shackett, Ralph E.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Boucher, Lionel R.
Cowenhoven, Garret P.
Dodge, Emma M.
Fields, Dennis H.
Goulet, Maurice E.
Healy, Daniel J.
Jasper, Shawn N.
Kelley, Robert N.
Kurk, Neal M.
Mason, Howard F.
Messier, Irene M.
Perham, Lester R.
Record, Alice B.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Wheeler, David K.

Andrews, Frederick B.
Bowers, Dorothy C.
Cox, Gladys M.
Drolet, Paul L., Jr.
Foote, Herbert N., Sr.
Grip, Robert H.
Hultgren, David D.
Jenkins, Mary
Knight, Alice Tirrell
Lawrence, Norman B.
McCann, Bonnie Lou
Ouellette, Robert O.
Prestipino, Bartolo V.
Riley, Frances L.
Schneiderat, Catherine A.
Steiner, Lee Anne S.
Upton, Barbara A.

Bicknell, Robert C.
Brady, Carolyn L.
Daigle, Robert A.
Dyer, Merton S.
Ford, Nancy M.
Harlan, Susan N.
Hunter, Bruce F.
Keefe, Edmund M.
Kress, Gloria W.
Lefebvre, Roland J.
McRae, Karen
Pappas, Toni
Provost, Gilles R.
Rodgers, G. Philip
Searles, Stanley N., Sr.
Stiles, Walter A.
Vanderlosk, Stanley R.

MERRIMACK

Bardsley, Elizabeth S.
Fillion, Paul R.
Hager, Elizabeth
Hill, Michael
Lewis, Mary Ann
Nichols, Avis B.
Shaw, Randall F.

Boucher, Laurent J.
Fraser, Leo W., Jr.
Hall, Douglas E.
Johnson, C. William
Lockwood, Robert A.
Pantzer, Eugene E.
West, George M.

Carter, Susan D.
Gross, Caroline L.
Hayes, Robert C.
Kidder, William F.
Millard, Elizabeth S.
Pfaff, Terence R.

ROCKINGHAM

Benton, Richardson D.
Chase, Lawrence A., Jr.
Felch, Charles H., Sr.
Flanders, John W., Sr.
Greene, Elizabeth A.
Hoelzel, Kathleen M.
Katsakiores, Phyllis M.
MacDonald, Maurice B.
McCarthy, John J., Jr.
Remick, Barbara R.
Sherburne, John L.
Sochalski, Matthew M.
Warburton, Calvin

Brown, Jeffrey M.
Cooke, Annette M.
Fesh, Robert M.
Forsythe, Douglas G.
Haynes, Richard L.
Johnson, Robert A.
King, Roger C.
Mace, Ada L.
McKinney, Betsy
Schmidtchen, Rowland
Simon, Peter M.
Vartanian, Elsie
Welch, David A.

Campbell, Marilyn R.
Dube, LeRoy S.
Flanagan, Natalie S.
Gage, Thomas U.
Hoar, John, Jr.
Katsakiores, George N.
Klemm, Arthur P., Jr.
Malcolm, Kenneth W.
Palazzo, Frank J., Sr.
Seward, Russell G.
Skinner, Patricia M.
Vaughn, Charles L.
Wright, David B.

STRAFFORD

Dionne, Albert J.
Kinney, Paula J.
Parks, Joe B.
Tsiros, William

Foss, Patricia H.
Meserve, John H.
Stewart, Glenn W.
Young, John B.

Frechette, Roland A.
Musler, George T.
Torr, Ralph W.

SULLIVAN

Behrens, Thomas A.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

Domini, Irene C.
Middleton, John A.
Schotanus, Merle W.

Krueger, Richard H.
Peyron, Fredrik

and the Governor's veto was sustained lacking the necessary two-thirds.

Sen. Bartlett, President of the Senate, addressed the House briefly.

COMMITTEE OF CONFERENCE REPORTS

HB 100, making appropriations for capital improvements. (Report printed SJ 26, 5/24/89)

Rep. Phelps explained the report.

(Deputy Speaker Burns in the Chair)

Report adopted.

HB 200, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990 and June 30, 1991. (Report printed SJ 26, 5/24/89)

Reps. Scamman, Gross, Schotanus and Hager explained the report and yielded to questions.

Rep. Scott Green spoke against the report.

Rep. Nardi spoke to the report.

(Speaker in the Chair)

Rep. Chambers spoke to the report.

A roll call was called for. Sufficiently seconded.

YEAS 295

NAYS 36

YEAS 295**BELKNAP**

Bolduc, Dennis R.
Hardy, Earle D.
Maviglio, Steven R.
Richardson, Lawrence
Vogler, Charles C.

Campbell, Richard H., Jr.
Hawkins, Robert S.
Pearson, Ralph W.
Rosen, Ralph J.
White, James J.

Golden, Paul A.
Holbrook, Robert G.
Randall, Kenneth A.
Turner, Robert H.
Ziegra, Alice S.

CARROLL

Allard, Nanci A.
Dodge, Arthur G., Jr.
Olimpio, J. Lisbeth
Wiggin, Allen R.

Daly, Robert J., Jr.
Foster, Robert W.
Powers, Gerard E., Jr.

Dickinson, Howard C., Jr.
MacDonald, Kenneth J.
Saunders, Howard N.

CHESHIRE

Avery, Stephen G.
Crutchley, Donald O.
Gordon, Irvin H.
Hunt, John B.
Metzger, Katherine H.

Blacketor, Paul G.
Delano, Robert F.
Grodin, Richard A.
LaMar, David M.
Miller, Jeffrey C.

Cole, Stacey W.
Foster, Katherine D.
Hill, Douglas E.
Laurent, John J.
Morse, JoAnn T.

Pearson, Gertrude B.
Spear, Susan S.

Perry, David M.

Sawyer, Alfred P.

COOS

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Marsh, Beaton
Nelson, Harold D.
Woodburn, Jeffrey R.

Burns, Harold W.
Horton, Lynn C.
Mayhew, Josephine
Oleson, Otto H.

Dumont, Robert E.
Kilbride, Dennis J.
Merrill, Gerald P.
Theriault, Romeo J.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Densmore, Edward D.
Hill, Richard L.
Markley, J. Keith
Scanlan, David M.
Teschner, Douglass P.
Ward, Kathleen W.

Bean, Pamela B.
Chambers, Mary P.
Driscoll, William J.
LaMott, Paul I.
Nordgren, Sharon L.
Shackett, Ralph E.
Townsend, Howard C.
Weymouth, Philip H.

Bennett, Shirley M.
Christy, C. Dana
Guest, Robert H.
Larson, Nils H., Jr.
Rose, William B.
Stewart, Roger
Wadsworth, Karen O.

HILLSBOROUGH

Ahrens, Frederick G.
Andrews, Frederick B.
Barry, William M.
Bowers, Dorothy C.
Cox, Gladys M.
Dodge, Emma M.
Drolet, Paul L., Jr.
Dyer, Merton S.
Fields, Dennis H.
Ford, Nancy M.
Goulet, Maurice E.
Harlan, Susan N.
Hunter, Bruce F.
Johnson, Lionel W.
Knight, Alice Tirrell
Lawrence, Norman B.
Mason, Howard F.
McNerney, Daniel P.
Moore, Elizabeth A.
O'Rourke, JoAnne A.
Perham, Lester R.
Provost, Gilles R.
Robinson, Ellen-Ann
Searles, Stanley N., Sr.
Steiner, Lee Anne S.
Tyree, Paul M.
Young, Willard N.

Alukonis, David J.
Baldizar, Barbara J.
Bicknell, Robert C.
Burkush, Peter A.
Daigle, Robert A.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Flood, Jacqueline J.
Frank, Nancy G.
Grip, Robert H.
Holden, Carol H.
Jean, Romeo W.
Keefe, Edmund M.
Kress, Gloria W.
Lefebvre, Roland J.
McCann, Bonnie Lou
McRae, Karen
Morrissette, Roland A.
Packard, Bonnie B.
Pignatelli, Debora B.
Record, Alice B.
Sallada, Roland A.
Smith, Leonard A.
Tarpley, Nancy L.
Upton, Barbara A.

Amidon, Eleanor H.
Barry, Janet G.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Emerton, Lawrence A., Sr.
Foote, Herbert N., Sr.
Genest, Fernand A.
Guilbert, Lionel
Hultgren, David D.
Jenkins, Mary
Kelley, Robert N.
Lachut, Ervin R.
Long, Linda D.
McDowell, James E.
Messier, Irene M.
Nardi, Theodora P.
Pappas, Toni
Prestipino, Bartolo V.
Rheault, Lillian I.
Schneiderat, Catherine A.
Soucy, Lillian E.
Turgeon, Roland M.
Vanderlosk, Stanley R.

MERRIMACK

Anderson, Eleanor M.
Boucher, Laurent J.
Dunn, Miriam D.

Barberia, Richard A.
Carter, Susan D.
Fair, Patricia A.

Bardsley, Elizabeth S.
Daneault, Gabriel
Fillion, Paul R.

Fraser, Leo W., Jr.
 Hager, Elizabeth
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Phelps, James D.
 Stio, Peter M.

Gilbreth, Robert M.
 Hayes, Robert C.
 Johnson, C. William
 Lockwood, Robert A.
 Pantzer, Eugene E.
 Provencal, Leo A.
 Teague, Bert

Gross, Caroline L.
 Hill, Michael
 Kidder, William F.
 Millard, Elizabeth S.
 Pfaff, Terence R.
 Shaw, Randall F.
 West, George M.

ROCKINGHAM

Anderson, Carl F., III
 Blanchard, MaryAnn N.
 Campbell, Marilyn R.
 Cooke, Annette M.
 Felch, Charles H., Sr.
 Flanders, Harry E.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Parr, Ednapearl F.
 Raynowska, Bernard J.
 Sanderson, Patricia O.
 Seward, Russell G.
 Skinner, Patricia M.
 Sytek, Donna P.
 Vaughn, Charles L.
 Wells, Henry E.

Bell, Juanita L.
 Boucher, William P.
 Caswell, Albert, Jr.
 Cote, Patricia L.
 Fesh, Robert M.
 Flanders, John W., Sr.
 Gage, Beverly A.
 Haynes, Richard L.
 Johnson, Robert A.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 MacKinnon, Nancy W.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Parsons, Robert F.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Warburton, Calvin

Benton, Richardson D.
 Brown, Lewis W.
 Conroy, Janet M.
 Dube, LeRoy S.
 Flanagan, Natalie S.
 Ford, Bert H.
 Gage, Thomas U.
 Hoar, John, Jr.
 Kane, Cecelia D.
 King, Roger C.
 Lovejoy, Virginia K.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Pantelakos, Laura C.
 Popov, Elizabeth M.
 Ritzo, Eugene
 Senter, Marilyn P.
 Simon, Peter M.
 Splaine, John E., Sr.
 Vartanian, Elsie
 Weddle, Michael R.

STRAFFORD

Appleby, James E.
 Burton, Wayne M.
 Flynn, Anita A.
 Frechette, Roland A.
 Martling, W. Kent
 Meserve, John H.
 Pelley, Janet R.
 Stewart, Glenn W.
 Tsiros, William
 Young, John B.

Bernard, Mary E.
 Callaghan, Robert J.
 Flynn, Edward J.
 Keans, Sandra B.
 McCann, William H., Jr.
 Musler, George T.
 Scharff, Thomas E.
 Sullivan, Henry P.
 Wall, Janet G.

Bickford, Drucilla
 Dionne, Albert J.
 Foss, Patricia H.
 Kinney, Paula J.
 Merrill, Amanda A.
 Parks, Joe B.
 Spencer, Leo J.
 Torr, Ann M.
 Wheeler, Katherine Wells

SULLIVAN

Behrens, Thomas A.
 Hinrichsen, Keith L.
 MacAskill, Kenneth M.
 Rodeschin, Beverly T.

Burling, Peter Hoe
 Krueger, Richard H.
 Middleton, John A.
 Schotanus, Merle W.

Domini, Irene C.
 Lucier, Edward A., Jr.
 Peyron, Fredrik

**NAYS 36
BELKNAP**

Locke, Matthew J.

CHESHIRE

Barber, Robert E., Jr.
Young, David A.

Cole, Kenneth A.

Pratt, Irene A.

COOS

Brungot, Catherine V.

GRAFTON

Copenhaver, Marion L.

Eno, Larry E.

HILLSBOROUGH

Boucher, Lionel R.
Domaingue, Jacquelyn M.
Hall, Betty B.
Lozeau, Donnalee M.
Rodgers, G. Philip
Wheeler, David K.

Brady, Carolyn L.
Gagnon, Gabrielle V.
Jasper, Shawn N.
Pepino, Leo P.
Stiles, Walter A.

Desrochers, Gerard T.
Green, Scott E.
Kurk, Neal M.
Riley, Frances L.
Toomey, Daniel

MERRIMACK

Beaton, Nancy C.

Braiterman, Thea G.

Wallner, Mary Jane

ROCKINGHAM

Brown, Jeffrey M.
McGovern, Cynthia A.
Wright, David B.

Chase, Lawrence A., Jr.
Rosencrantz, James R.

Hollingworth, Beverly A.
Welch, David A.

STRAFFORD

Torr, Ralph W.

SULLIVAN

Brodeur, Robert J.

and the report was adopted.

Rep. Murphy wished to be recorded in favor of the report.

Rep. Elliott wished to be recorded against the report.

Rep. Hager addressed the House by unanimous consent.

The Appropriations Committee and the House Majority and Minority Leadership, on behalf of the House of Representatives, offered the following:

HOUSE RESOLUTION NO. 29

honoring Representative Paul I. LaMott of Haverhill

WHEREAS, at this present moment, Paul I. LaMott is serving his tenth term as an honorable member of the New Hampshire House of Representatives, and

WHEREAS, for nine of those ten terms, Paul I. LaMott has been a dedicated and esteemed member of the Committee on Appropriations, known for his expertise and acumen in the always-present matters of the Capital Budget, and

WHEREAS, throughout his distinguished legislative career, Paul I. LaMott, many times over, has demonstrated his fierce determination and keen independence, both hallmarks and true testimony of his noble Yankee heritage, and

WHEREAS, Paul I. LaMott has not limited his interests and energies to only legislative matters, having through the years become known as a true champion of vocational-technical education in New Hampshire, always zealously lending his support when it was needed, and

WHEREAS, Paul I. LaMott has a profound belief in the importance of education and in the academic welfare of all students, and

WHEREAS, on the nineteenth day of May, in the Year of Our Lord, Nineteen Hundred and Eighty-Nine, Paul I. LaMott was awarded by the New Hampshire Technical Institute in Concord, an honorary Associate of Science degree, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Paul I. LaMott be saluted and recognized for his unwavering commitment to his legislative duties during the last nineteen years, and for his generous and loyal support of vocational-technical education in New Hampshire, and be it further

RESOLVED, that Paul I. LaMott receive the sincere applause of the House to acknowledge his acquisition of his much-deserved honorary degree, and that a suitable copy of this Resolution be prepared for presentation to him.

Unanimously adopted.

The Nashua Delegation offered the following:

HOUSE RESOLUTION NO. 30

commending the boys' varsity soccer team of Nashua High School

WHEREAS, on the sixteenth day of November in Nineteen Hundred and Eighty-Eight, the boys' varsity soccer team of Nashua High School, did win the New Hampshire Class L title, defeating by a score of 1-0, Alvirne High School, and

WHEREAS, the victory marked the first time in Nashua High School's illustrious sports history that the boys' soccer team was crowned Class L Champion, and

WHEREAS, the victory extended Nashua High School's season record to fifteen wins, one loss and one tie, and

WHEREAS, prior to reaching the championship round of the 1988 tournament, Nashua High School first had to defeat Exeter High School and Londonderry High School, and

WHEREAS, throughout the championship season, the team was capably guided by Head Coach Roger Desmarais, Assistant Coaches Manfred Beyer and Robert Dion, and

WHEREAS, the championship team was inspirationally led by Tri-Captains Brian Bernier, Adam Cohen and Christian Panagoulais, and

WHEREAS, the members of the 1988 championship team have brought great honor to their school and their community, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that the boys' varsity soccer team of Nashua High School be saluted and recognized for winning the 1988 Class L Championship, and be it further

RESOLVED, that the players and coaches receive the highest praise for the hard work and dedication that made them champions, and that a suitable copy of this Resolution be prepared for presentation to Nashua High School.

Unanimously adopted.

ENROLLED BILLS AMENDMENTS

SB 45-FN, relative to child support enforcement.

Amendment

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

section 3-b the following new section:

161-C:3-c Power to Subpoena Financial Records. Pursuant to the

This amendment renumbers one RSA section to avoid duplicating the numbering of that section inserted by SB 63 (1989, 121).

Adopted.

HB 300-FN-A, relative to studying access to medical care for persons without health insurance and making an appropriation therefor.

Amendment

Amend subparagraph II(e) of section 2 of the bill by replacing line 1 with the following:

(e) The commissioner of the insurance department or designee.

Amend paragraph III of section 2 of the bill by replacing line 4 with the following: first meeting of those appointed in paragraph II within 60 days of the effective date of this

This amendment corrects an error in terminology and also inserts a phrase for technical clarification.

Adopted.

HB 353, prohibiting the use and operation of ski craft on Canaan Street Lake in the town of Canaan.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Contingency; Renumbering. If HB 28, "An act prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover" becomes law, RSA 486:38 as inserted by section 1 of this act shall be renumbered to read as RSA 486:41. If HB 28 does not become law, RSA 486:38 as inserted by section 1 of this act shall be renumbered to read as RSA 486:40.

3 Effective Date. This act shall take effect 60 days after its passage.

This amendment inserts a contingency provision in the bill renumbering an RSA section.

Adopted.

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators.

Amendment

Amend RSA 151-A:11, I as inserted by section 9 of the bill by replacing lines 1-3 with the following:

I. The license registration or both of any person practicing or offering to practice nursing home administration may be revoked or suspended, or

This amendment corrects the wording of an existing RSA section.

Rep. Turgeon addressed the House by unanimous consent.

Adopted.

Rep. Kidder addressed the House by unanimous consent, as follows:

BILL'S IN TROUBLE

I've got a letter, Parson, from my son away out West.
 An' my ol' heart is heavy as an anvil in my breast,
 To think the boy whose futur' I had once so proudly planned
 Should wander from the path o' right an' come to sich an end.
 I told him when he left us only three short years ago,
 He'd find himself a-plowin' in a mighty crooked row -
 He'd miss his father's counsels an' his mother's prayers, also -
 But he said the farm was hateful, an' he guessed he'd have to go.
 I know thar's big temptation for a youngster in the West,
 But I believed our Billy had the courage to resist,
 An' when he left I warned him o' the ever-waitin' snares,
 That lie like hidden sarpints in life's pathways everywhere.
 He'd build a repututation that'd make us mighty proud.
 But it seems as though my counsel's sort o' faded from his mind,
 An' now the boy's in trouble of the very wurstest kind!
 His letters come so seldom that I somehow sort o' knowed
 That Bill was a-trampin' on a mighty rocky road.
 But never once imagined he would bow my head in shame,
 An' in the dust 'd waller his ol' daddy's honored name.
 He writes from out in Denver an' the story's might short:
 I just can't tell his mother! it'll crush her poor ol' heart!
 An' so I reckon, Parson, you might break the news to her -
 Bill's in the Legislatur', but he doesn't say what fur.

From the Denver Post

Rep. Benton addressed the House by unanimous consent, as follows:

THE GREAT MEN ON THE WALL

From high on the wall they look down on the House
 With eyes both stern and calm
 Their lot is to see and ponder and judge
 The merits of we who carry on.
 They do not vote or sign the board
 Nor inquire of the Chair
 In silence they watch and listen to all
 And they rate us good, poor or fair.
 When we've departed the House and the hall is still
 They relax and they chat 'til the dawn
 Of the nurses and farmers, of bankers and lawyers
 And teachers and veterans who talked at the mike, on and on.
 Maybe they talk of Watergate, Pentagon papers,
 Wounded Knee and other stories galore
 And maybe George speaks to honest Abe, "More truth is
 needed in the high places,
 They don't make them like us anymore."
 And hopefully, as Daniel and Franklin reflect
 On the old times, the freshmen and the Reps and the Dems
 who daily fill the hall

They'll judge us fairly on our deeds and say,
 "Live free or die is still with us,
 And the Granite State stands tall."
 Spoke up John Hale, Senator from the days of yore,
 "They've changed so much on manner, speech and dress
 They question, they bicker, they argue up a storm.
 I admire them all, especially the lovely lady legislators
 In their mini-skirts and slacks. Gad, what forms!
 While waiting to sign the board each day
 I look up at them and feel so humble and small
 I ask the good Lord for lots more wisdom, common sense and courage
 So that tomorrow I can be just a little more
 Like the great men on the wall.

Rep. Domaingue addressed the House by unanimous consent.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to the joint call of the Speaker of the House and the President of the Senate.

Adopted.

SENATE MESSAGE

REQUESTS CONCURRENCE WITH AMENDMENT

HB 637, relative to the conduct of tax sales for failure to pay real estate taxes.
 (Amendment printed SJ 20, 5/2/89)

Reps. Grodin and West explained the situation on the opinion of the Supreme Court Justices concerning HB 637, relative to the conduct of tax sales for failure to pay real estate taxes, and yielded to questions.

Rep. West moved that the House concur.

Adopted.

Rep. Palumbo moved the the House stand in recess for the purpose of Enrolling Reports and Enrolled Bills Amendments only.

Adopted.

The House recessed at 5:20 p.m.

RECESS

(Rep. Lemire in the Chair)

SENATE MESSAGES

GOVERNOR'S VETOES SUSTAINED

SB 19, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.

SB 135, relative to student literacy.

HB 330, relative to exemption from the gasoline tax and state license plates.

ADOPTION OF COMMITTEE OF CONFERENCE REPORTS

SB 10, repealing a chapter on floating timber and damage therefrom.

SB 24, relative to liquor store displays and promotions.

SB 27, relative to the liability of landowners for hazardous waste cleanup.

SB 33-A, relative to construction on the Spaulding turnpike and making an appropriation therefor.

SB 51-FN, relative to the Christa McAuliffe planetarium.

SB 52, relative to drug paraphernalia.

SB 67-FN, relative to regulation of excavation of sand, gravel, and construction aggregate.

SB 69, establishing a study committee relative to a home mortgage guarantee authority.

SB 70-A, relative to the technical assistance provided to municipalities by the office of state planning.

SB 71, authorizing the removal of a boat and mooring under certain circumstances and establishing a study committee on the boat registration fee structure and valuation of boat for registration.

SB 73-FN, establishing a committee to study taxing all tobacco products.

SB 76, relative to durable powers of attorney for health care.

SB 77-FN, relative to holiday pay for certain part-time state employees.

SB 81-FN, relative to the management of court facilities.

SB 82-FN, relative to judicial retirement pay and to vested rights in judicial retirement compensation.

SB 87-FN, establishing a committee to study exposure by certain persons to infectious diseases.

SB 88-FN, providing a cost of living adjustment for certain group I members.

SB 89, providing a 5 percent cost of living adjustment for group I retirement system members, establishing a committee to study insurance and medical benefits for retired state employees, relative to retirement benefits for widows of superior court justices and making an appropriation therefor, and relative to medical benefits for retired state employees.

SB 90, providing a 4 percent cost of living adjustment for group II members.

SB 91, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957, and relative to retirement benefits for combined state and university system service.

SB 94, authorizing the sale of liquor and beverages in additional areas under a liquor license.

SB 97, relative to the distribution of drug forfeiture money.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

SB 105-FN-A, making an appropriation for improving electrical service at Weeks state park in Lancaster.

SB 106-FN, relative to issuing temporary driver's licenses to new residents and authorizing additional positions for the department of safety and making an appropriation therefor.

SB 108-FN, relative to Skyhaven airport in Rochester.

SB 111, relative to the operation of ski craft.

SB 113-FN, relative to medicaid coverage of dental benefits for all categorically eligible recipients.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor.

SB 153-FN-A, establishing a committee to study the AFDC program.

SB 154-FN-A, relative to timely distribution of sweepstakes revenues through the foundation aid formula.

SB 164-FN, relative to licensing ophthalmic dispensers.

SB 168-FN, establishing a division of fire service.

SB 175-FN-A, making an appropriation to the arts development program.

SB 191-FN-A, relative to telecommunications devices for the deaf.

SB 196-FN, relative to bail reform.

SB 203-FN, relative to employing minors enrolled in school.

HB 29, relative to liquor laws.

HB 42, relative to actuarial review of rate filings.

HB 50, exempting the department of transportation, the department of safety and the department of postsecondary vocational-technical education from the authority of the director of information services.

HB 70-A, establishing a study committee to examine the vocational education system

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system.

HB 100-A, making appropriations for capital improvements.

HB 104-FN, relative to common and contract carriers.

HB 117, relative to feeding garbage to swine.

HB 146, relative to the milk standard.

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990 and June 30, 1991.

HB 206, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover.

HB 222, prohibiting ski craft and limiting horsepower of motors on Indian Pond in the town of Orford.

HB 260-FN, relative to distribution of catastrophic aid.

HB 262-FN, extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.

HB 270-FN, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor.

HB 273-FN, authorizing the transfer of sick and annual leave and longevity credit for certain state employees.

HB 288-FN, relative to penalties for aggravated DWI, negligent homicide, and possession of controlled drugs.

HB 327-FN, relative to the rate of the real estate transfer tax.

HB 371, relative to licensing respiratory care practitioners and making an appropriation therefor.

HB 384-FN, establishing a task force to review the recommendations of the Manchester airport and highway study.

HB 385-FN-A, to tax all forms of tobacco products.

HB 434-FN-A, relative to franchising and regulation of cable television systems and making an appropriation therefor.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games.

HB 502, relative to disclosure of mental health information.

HB 578, relative to victim's assistance and compensation.

HB 582-FN, relative to a committee to review surface water use restrictions on the public waters of the state.

HB 594-FN, to reinstate medical and surgical benefits for certain retired employees.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members.

HB 629-FN, relative to gravesites.

HB 650, relative to removing certain municipal officers.

HB 654-FN, creating a committee to study what organizations may participate in the New Hampshire retirement system.

HB 658-FN, establishing a committee to study the laws relative to depositions.

HB 677, relative to modification of child support guidelines.

HB 693, relative to leasing of submerged tidal lands.

HB 710, regulating the use of social security numbers by the department of safety.

HB 764-FN-A, relative to state revenues and appropriations.

HB 766-FN-A, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements.

ENROLLED BILLS AMENDMENTS

HB 88-FN, relative to weights and measures.

Amendment

Amend section 17 of the bill by replacing lines 2-3 with the following:

agriculture serving under permanent appointment on the effective date of this section who is authorized to enforce the provisions of RSA 438 pertaining

Amend paragraph I of section 19 of the bill by replacing it with the following:

1. Section 16 of this act shall take effect January 1, 1990.

This amendment makes technical corrections in reference to the effective date of the bill.

Adopted.

HB 147-FN, relative to commercial driver licensing.

Amendment

Amend RSA 259:12-b as inserted by section 3 of the bill by replacing line 2 with the following:

permit" shall mean a permit issued pursuant to RSA 263:88.

Amend RSA 263:98, VII as inserted by section 17 of the bill by replacing line 2 with the following:

provided in RSA 259:98-a.

Amend RSA 21-P:14, IV(m) as inserted by section 18 of the bill by replacing line 2 with the following:

RSA 263:98.

Amend the bill by replacing section 28 with the following:

28 Driver's License Fees. Amend RSA 263:42, I to read as follows:

I. For each original driver's license and examination or driver's license renewal, other than for a commercial vehicle - [~~\$20~~] **\$30**; for each original commercial driver license and examination or commercial driver license renewal - \$40; for each commercial driver license reexamination in a one year period - \$20; for each commercial vehicle endorsement, renewal of an endorsement or removal of a restriction - \$10. For each original driver's license issued, \$5 shall be credited to the driver training fund established by RSA 263:52. Every license shall expire on the licensee's birthdate in the fourth year following the issuance of such license. No fee collected under this paragraph shall be refunded once an examination has been taken or a license issued, except as provided in RSA 263:43.

29 Contingency; SB 14. If SB 14, "An act relative to alcohol concentration tests for driving while intoxicated and other offenses becomes law," section 1 of SB 14 which inserts RSA 259:3-a shall not take effect and the references to RSA 259:3-a in RSA 214:20, I; 215-A:11, IV; 270:49, I; and 631:5, IV as amended by SB 14 shall be renumbered to RSA 259:3-b.

30 Contingency; HB 103-FN. If HB 103-FN, "An act relative to motor vehicle laws," becomes law, section 28 of this act shall take effect July 1, 1989, at 12:01 a.m. and section 22 of this act shall not take effect. If HB 103-FN does not become law, section 28 of this act shall not take effect, and section 22 of this act shall take effect July 1, 1989.

31 Effective Date.

I. Sections 27, 29, and 30 of this act shall take effect upon its passage.

II. Sections 22 and 28 of this act shall take effect as provided in section 30 of this act.

III. The remainder of this act shall take effect July 1, 1989.

This enrolled bill amendment corrects several cross-references and inserts 2 contingency provisions.

Adopted.

HB 465, changing the name of the solid waste management council.

Amendment

Amend RSA 21-O:9, V as inserted by section 4 of the bill by replacing line 1 with the following:

V. The [solid] waste management council shall hear and decide all

Amend RSA 21-O:9, VI as inserted by section 4 of the bill by replacing line 3 with the following:

[solid] waste management council for consideration prior to filing a proposed

Amend the bill by replacing section 14 with the following:

14 Contingent Provision. If both or either SB 156, "An act relative to refuse disposal," or HB 722-FN, "An act regarding solid waste management districts," of the 1989 legislative session becomes law, RSA 149-M:22 as inserted by section 10 of this act shall be renumbered to read as RSA 149-M:23.

15 Effective Date. This act shall take effect 60 days after its passage.

This amendment makes 2 technical corrections and adds a contingent provision to renumber an RSA section, if SB 156 or HB 722 is enacted into law.

Adopted.

HB 546-FN, relative to the water protection assistance program and relative to the closure of shellfish flats on the seacoast.

Amendment

Amend RSA 21-O:3, IX as inserted by section 4 of the bill by replacing line 4 with the following:

support of local water plans as provided in RSA 4-C:22.

This amendment corrects a cross reference.

Adopted.

HB 556, relative to the board of governors, the administrative board, and the commissioner of the department of postsecondary vocational-technical education.

Amendment

Amend the bill by replacing section 8 with the following:

8 Contingency. If HB 59 of the 1989 regular session, "An act changing the name of the New Hampshire vocational-technical college education system," becomes law, the term "vocational-technical" shall be replaced with "technical" in RSA 188-F:4, IV; 188-F:14-b; 188-F:15; and 188-F:17 as inserted or amended by this act.

9 Effective Date. This act shall take effect 60 days after its passage.

This bill inserts a contingency provision which provides that if HB 59 becomes law, the terminology of this act shall be changed to conform to the terminology of HB 59.

Adopted.

HB 586-FN, relative to siting and permitting of solid and hazardous waste disposal facilities; to forfeiture of property for solid waste management violations; and to low-level radioactive waste management.

Amendment

Amend the introductory paragraph of RSA 149-M:10, VIII as inserted by section 11 of the bill by replacing line 3 with the following:

without the prior written approval of the division of waste management. The following shall apply:

Amend RSA 149-M:11-c, VI as inserted by section 13 of the bill by replacing line 9 with the following:

paid in full within a reasonable time following the court proceedings.

Amend section 16 of the bill by replacing lines 1-3 with the following:

16 New Subparagraph: Special Fund. Amend RSA 6:12, I by inserting after subparagraph (bb) the following new subparagraph:

(cc) The money received under RSA 125-F:8-a, which shall be

Amend section 17 of the bill by replacing it with the following:

17 Public Benefit. Amend RSA 149-M:10, II to read as follows:

II. Applications for permits shall be upon such forms and shall include such information as the division of waste management requires by rules adopted under RSA 149-M:8. The application information shall include, but not be limited to, a

performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant. Whenever requested by the division of waste management, the attorney general shall conduct a background investigation of the performance history and criminal record of the applicant and of its officers and directors, if any, and make a report to the division of waste management. The applicant shall also demonstrate that the proposed facility provides a substantial public benefit pursuant to RSA 149-M:10, II-a. *The cost of any investigation under this paragraph shall be borne by the applicant.*

18 Contingency; HB 722-FN. If HB 722-FN of the 1989 regular session of the general court, "An Act regarding solid waste management districts", becomes law, section 17 of this act shall take effect 60 days after its passage, and section 9 of this act shall not take effect. If HB 722-FN does not become law, section 9 of this act shall take effect 60 days after its passage, and section 17 of this act shall not take effect.

19 Contingency; HB 332-FN-A. If section 17 of this act takes effect as provided in section 18 of this act and if HB 332-FN-A of the 1989 regular session of the general court, "An Act relative to the collection and reclamation of motor vehicle wastes", becomes law, then the reference in RSA 149-M:10, II as amended by section 17 of this act to RSA 149-M:10, II-a shall be renumbered to RSA 149-M:10, II-b.

20 Effective Date.

I. Sections 9 and 17 of this act shall take effect as provided in section 18 of this act.

II. Sections 18 and 19 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

This amendment inserts a phrase to clarify a transition from an introductory paragraph, makes a grammatical correction, corrects citations, renumbers an RSA provision to avoid duplicating a provision inserted by HB 93 (1989, 141), inserts a contingent section which incorporates language from HB 722-FN, and inserts a contingency provision which renumbers an RSA provision in the event that HB 332-FN-A passes.

Adopted.

HB 722-FN, regarding solid waste management districts.

Amendment

Amend RSA 149-M:18, I-a as inserted by section 2 of the bill by replacing line 7 with the following:

under the provisions of this chapter or as allowed by rules adopted by the

Amend section 8 of the bill by replacing line 4 with the following:

applications for a permit under this chapter the division shall comply with

Amend the bill by replacing section 12 with the following:

12 Contingency; HB 332-FN-A and SB 156-FN.

I. If HB 332-FN-A of the 1989 regular session of the general court, "An act relative to the collection and reclamation of motor vehicle wastes," becomes law, RSA 149-M:10, II-a as inserted by section 7 of this act shall be renumbered to RSA 149-M:10, II-b, and the reference to RSA 149-M:10, II-a in RSA 149-M:10, II as amended by section 6 of this act shall be renumbered to RSA 149-M:10, II-b.

II. If both SB 156-FN, "An act relative to waste disposal," and HB 465, "An act changing the name of the solid waste management council," of the 1989 regular session of the general court become law, RSA 149-M:22 as inserted by section 9 of this act shall be renumbered to RSA 149-M:24.

III. If either, but not both, SB 156-FN or HB 465 becomes law, RSA 149-M:22 as inserted by section 9 of this act shall be renumbered to RSA 149-M:23.

13 Contingency; HB 586. If HB 586-FN of the 1989 regular session of the general court, "An act relative to siting and permitting of solid and hazardous waste disposal facilities; to forfeiture of property for solid waste management violations; and to low-level radioactive waste management," becomes law, RSA 149-M:10-a as inserted by section 8 of this act shall be renumbered to RSA 149-M:10-b.

14 Effective Date. This act shall take effect July 1, 1989.

This amendment inserts a word in a phrase to clarify its meaning, corrects a technical cross-reference, and adds contingency provisions to avoid duplicating the numbering of RSA sections inserted by HB 332-FN-A, SB 156-FN, and HB 586.

Adopted.

SB 164-FN, relative to registering ophthalmic dispensers.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to registering ophthalmic dispensers and making
an appropriation therefor.

Amend RSA 327-A:8 as inserted by section 1 of the bill by replacing line 3 with the following:

such certificate in his principal place of business.

Amend RSA 327-A:12, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Form and content of applications under RSA 327-A:3.

II. Notification of hearings as authorized under RSA 327-A:11.

This amendment corrects the title of the bill and corrects technical errors in grammar and citations.

Adopted.

SB 82-FN, relative to judicial salaries and judges' contributions for retirement.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
establishing a study committee on judicial retirement vesting
rights and retirement contributions.

This amendment changes the title of the bill to reflect a committee of conference amendment.

Adopted.

SB 177-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

Amendment

Amend lines 3 and 4 of section 2 of the bill by replacing them with the following:
161-F the following new chapter:

CHAPTER 161-G

Amend RSA 161-F:1-4 as inserted by section 2 of the bill by renumbering said sections to read as RSA 161-G:1, 161-G:2, 161-G:3, and 161-G:4, respectively.

Amend line 10 of RSA 161-G:1 as inserted by section 2 of the bill by replacing it with the following:

RSA 161-G:4: family day care home, family group day care home, group

Amend line 7 of RSA 161-G:2 as inserted by section 2 of the bill by replacing it with the following:

161-G:3, IV. Recipients shall demonstrate to the director the disposition

Amend line 3 of section 3 of the bill by replacing it with the following:
after section 70 the following new subdivision:

Amend RSA 204-C:70-78 as inserted by section 3 of the bill by renumbering said sections to read as RSA 204-C:71-79, respectively.

Amend line 5 of RSA 204-C:74 as inserted by section 3 of the bill by replacing it with the following:

minimum criteria established in this section. When entering into

Amend line 3 of RSA 204-C:75 as inserted by section 3 of the bill by replacing it with the following:

payable solely from the funds provided pursuant to RSA 204-C:79, to the lender

Amend line 6 of RSA 204-C:75 as inserted by section 3 of the bill by replacing it with the following:

or organizations as defined in RSA 204-C:72. In no event shall any loan

This amendment changes chapter and section numbers to avoid conflict with HB 31 (1988, 7) and HB 110 (1988, 18).

Adopted.

HB 222, limiting the speed of power boats on Indian Pond in the town of Orford.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill.

Adopted.

HB 226-A, relative to state-issued bonds for college tuition.

Amendment

Amend the bill by deleting sections 1 and 4 and renumbering sections 2, 3, and 5 to read as 1-3, respectively.

This amendment deletes a provision already inserted by HB 751 (1989, 182) and a related contingency provision.

Adopted.

SB 56-FN, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations; increasing the penalty for reckless driving; and relative to driver's license fees.

Amendment

Amend the bill by replacing section 6 with the following:

6 Driver's License Restoration Fee Increased. Amend RSA 263:42, V to read as follows:

V. Whenever a driver's license has been suspended or revoked or the holder of a commercial driver license has been disqualified for a period of greater than 15 days, a fee of [\$25] **\$40** shall be paid by the licensee for the restoration of such license or commercial driver license.

7 Contingency; HB 147-FN. If HB 147-FN, "An act relative to commercial driver licensing," becomes law, section 6 of this act shall take effect January 2, 1990, and section 3 of this act shall not take effect. If HB 147-FN does not become law, section 3 of this act shall take effect January 2, 1990, and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 3 and 6 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect January 2, 1990.

This amendment contingently incorporates a change by HB 147-FN.

Adopted.

SB 168-FN, establishing a division of fire service.

Amendment

Amend RSA 21-P:25, II(b) as inserted by section 3 of the bill by replacing line 5 with the following:

departments or fire-related state agencies, whether full or part-time.

Amend RSA 21-P:28, I(f) as inserted by section 3 of the bill by replacing line 1 with the following:

(f) Disseminate information relative to fire and rescues.

Amend section 8 of the bill by replacing lines 2-3 with the following:

by inserting after paragraph III-b the following new subparagraph:

III-c. Notwithstanding the provisions of RSA 100-A:1, VIII, any

Amend the bill by replacing all after section 10 with the following:

II Regulation of Liquid Propane Gas. Amend RSA 21-P:12, I to read as follows:

I. Investigation of the causes and circumstances of fires, fire safety regulations and education, [and] coordination of state agency response to accidents involving hazardous materials, *and regulation of liquid propane gas pipeline safety, except propane gas pipelines regulated by the public utilities commission pursuant to RSA 362*. This bureau shall be known as the bureau of fire safety and shall be under the supervision of an unclassified administrator of fire safety, who shall also be known as

the state fire marshal. The state fire marshal shall be nominated by the commissioner of safety on recommendation of the director of fire service from a list of 3 candidates submitted by the state advisory board of fire control, for appointment by the governor, with the consent of the council, and shall serve a term of 4 years until a successor is appointed. The state fire marshal shall be a citizen of this state or become a citizen of this state within one year of his appointment and be academically and technically qualified. He shall devote his entire time to the duties of the bureau of fire safety and shall receive the salary specified in RSA 94:1-a.

12 Contingency; HB 82-FN. If HB 82-FN, "An act relative to the police standards and training council and the fire standards and training commission," becomes law, section 5 of HB 82-FN shall not take effect.

13 Effective Date.

I. Section 11 of this act shall take effect July 7, 1989, at 12:01 a.m.

II. Section 12 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect July 1, 1989.

This amendment rennumbers a paragraph to avoid duplication if HB 113-FN becomes law.

This amendment incorporates the provisions of SB 197-FN, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety. The amendment also corrects 2 technical errors.

Adopted.

HB 206, prohibiting boats with more than 30 horsepower from operating on Bradley Lake in Andover.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill.

Adopted.

SB 86, prohibiting petroleum powered boats on Wilson Lake.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill.

Adopted.

SB 40, requiring the department of safety to post headway speed limits on the Connecticut River.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill.

Adopted.

SB 39, establishing a speed limit for power boats on Spofford Lake.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill.

Adopted.

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark.

Amendment

Amend the bill by replacing all after section 1 with the following:

2 Renumbering. The director of legislative services shall renumber RSA 486:38 as inserted by section 1 of this act pursuant to the authority granted by 1989, 223:2.

3 Effective Date. This act shall take effect 60 days after its passage.

This enrolled bill amendment permits the director of legislative services to renumber the RSA section inserted by this bill

Adopted.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

Amendment

Amend section 1 of the bill by replacing lines 1 and 2 with the following:

1 New Subdivision; Land Affected by Municipal Boundaries. Amend RSA 674 by inserting after section 52 the following new subdivision:

Land Affected by Municipal Boundaries

This amendment makes a technical correction.

Adopted.

SB 111, relative to the operation of ski craft.

Amendment

Amend line 3 of section 3 of the bill by replacing it with the following:

BODY OF WATER

TOWN

This enrolled bill amendment clarifies a term used in section 3 of the bill.

Adopted.

SB 196-FN, relative to bail.

Amendment

Amend the unnumbered concluding paragraph of RSA 597:2, III as inserted by section 3 of the bill by replacing line 3 with the following:

the motion of the state, conduct an inquiry into the source of the

Amend RSA 597:2, IV as inserted by section 3 of the bill by replacing lines 2 and 3 with the following:

section, the court or justice shall include a written statement that sets forth:

(a) All of the conditions to which the release is

Amend RSA 597:2, V as inserted by section 3 of the bill by replacing line 1 with the following:

V. A person charged with an offense who is, and was at the time

Amend RSA 597:2, V(b) as inserted by section 3 of the bill by replacing line 1 with the following:

(b) Release pending imposition or execution of sentence, appeal

Amend RSA 597:7-a, I as inserted by section 7 of the bill by replacing line 5 with the following:

justice for a bail revocation hearing within 48 hours, Saturdays, Sundays and holidays

Amend RSA 262:27, III as inserted by section 10 of the bill by replacing line 2 with the following:

such a traffic citation, the court having jurisdiction may issue a

Amend section 11 of the bill by replacing line 2 with the following:
defendant pending trial, is repealed.

This amendment rearranges a phrase to clarify a transition from an introductory paragraph, makes a grammatical correction, corrects proofreading errors, and inserts omitted language relative to repeal of an RSA provision.

Adopted.

HB 200-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991.

Amendment

Amend section 1 of the bill by inserting footnote G in the following PAU class lines: 05, 01, 01, 02, 04, class 48; and 05, 01, 05, 03, 06, class 48.

Amend section 1 of the bill by inserting footnote D in the following PAU class lines:

05, 01, 01, 02, 03, class 42
05, 01, 01, 02, 07, class 21
05, 01, 02, 03, 04, class 28
05, 01, 03, 05, 10, class 49
05, 01, 03, 05, 19, class 21
05, 01, 04, 02, 01, class 49
05, 01, 04, 02, 02, class 49
05, 01, 04, 02, 03, class 49
05, 01, 05, 03, 02, class 49

05, 01, 05, 03, 06, class 21

class 23

05, 01, 05, 04, 02, class 21

05, 01, 05, 04, 03, class 49

05, 01, 05, 04, 06, class 21

05, 01, 07, 02, 01, class 28

05, 01, 07, 03, 01, class 49

05, 01, 07, 06, 01, class 49

05, 01, 07, 09, class 49

Amend PAU 06, 01, 01 as inserted by section 1 of the bill by replacing class line number 28 with class line number 26.

This enrolled bill amendment corrects a class reference and reinserts PAU footnote designations.

Adopted.

HB 50, exempting the department of transportation and the department of safety from the authority of the director of information services..

Amendment

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Contingency; HB 59. If HB 59 of the 1989 regular session, "An act changing the name of the New Hampshire vocational-technical college education system," becomes law, the term "vocational-technical" in RSA 21-I:9, VIII(a) as amended by section 1 of this act shall be replaced with "technical".

This amendment contingently incorporates a change in wording made by HB 59.

Adopted.

HB 488, relative to regional cooperation on solid waste disposal.

Amendment

Amend RSA 149-M:13-a as inserted by section 1 of the bill by replacing lines 2-4 with the following:

commissioners for each county in which there are located unincorporated towns or unorganized places, the mayor and council of each city and the commissioners of each county are authorized to enter into cooperative agreements with other towns, cities, unincorporated towns, unorganized places, and

Amend the bill by inserting after section 1 the following and renumbering sections 2 and 3 to read as 3 and 4, respectively:

2 Contingency; HB 332-FN-A. If HB 332-FN-A, "An act relative to the collection and reclamation of motor vehicle wastes," becomes law, RSA 149-M:13-a as inserted by section 1 of this act shall be renumbered to RSA 149-M:13-b.

This amendment incorporates terminology changes made in HB 531-FN (1989, 266). The amendment also contingently renumbers an RSA section, if HB 332-FN-A becomes law.

Adopted.

HB 590-FN, relative to submitting municipal financial reports to the department of revenue administration.

Amendment

Amend the introductory paragraph of RSA 21-J:34 as inserted by section 1 of the bill by replacing lines 2-5 with the following:

unincorporated town, unorganized place, school district, and village district shall submit to the commissioner of revenue administration the following reports necessary to compute and establish the tax rate for each city, town, unincorporated town, unorganized place, school district, and

Amend RSA 21-J:34, I as inserted by section 1 of the bill by replacing line 2 with the following:

unincorporated town, and unorganized place, shall certify the number of

Amend RSA 21-J:34, II as inserted by section 1 of the bill by replacing line 2 with the following:

unincorporated town, unorganized place, school district, and village

This amendment incorporates changes in technology made by HB 531-FN (1989, 266).

Adopted.

HB 260-FN, relative to salaries within the department of education.

Amendment

Amend the bill by inserting after section 3 the following:

4 Effective Date. This act shall take effect upon its passage.

This amendment reinserts the effective date of the bill.

Adopted.

HB 104-FN, relative to common and contract carriers.

Amendment

Amend RSA 375-A:1, VI(a) as inserted by section 22 of the bill by replacing it with the following:

(a) By assigning motor vehicles for a continuing period of time for the exclusive use of each such person; or

Amend the bill by replacing section 27 with the following:

27 Contingency; SB 106-FN and HB 147-FN. If both SB 106-FN and HB 147-FN of the 1989 regular session of the general court become law, RSA 21-P:14, IV(m) as inserted by section 2 of SB 106-FN shall be renumbered to RSA 21-P:14, IV(n).

Amend the bill by renumbering the sections after section 27 to read as 28-30, respectively.

This amendment adds language which was deleted, replaces a duplicate section with a contingency provision, and renumbers certain sections.

Adopted.

HB 371-FN-A, relative to licensing respiratory care practitioners and making an appropriation therefor.

Amendment

Amend RSA 326-E:4, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. The applicant, except as otherwise provided in this chapter, shall

Amend RSA 326-E:11, I(a) as inserted by section 2 of the bill by replacing lines 4 and 5 with the following:

Education and the American Medical Association's Committee on Allied Health Education and Accreditation or their successors. Students enrolled in respiratory therapy

Amend section 4 of the bill by replacing line 1 with the following:

4 Current Respiratory Care Practitioners. Notwithstanding RSA 326-E:6,

Amend section 4 of the bill by replacing line 6 with the following:
functioning in the capacity of a respiratory care practitioner.

This EBA corrects 3 references and a typographical error in the bill.

Adopted.

HB 270-FN-A, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor.

Amendment

Amend RSA 263:34-a, II as inserted by section 1 of the bill by replacing line 2 with the following:

RSA 263:34-e.

Amend the bill by replacing section 4 with the following:

4 Contingency Provision. If HB 586 of the 1989 regular legislative session of the general court becomes law, RSA 6:12, I(bb) as inserted by section 2 of this act, shall be renumbered to read as RSA 6:12, I(dd). If HB 586 does not become law, this subparagraph shall be renumbered as RSA 6:12, I(cc).

5 Effective Date. This act shall take effect July 1, 1989.

This amendment corrects a citation. This amendment also renumbers a subparagraph inserted by section 2 of the bill to prevent duplication if HB 586 of the 1989 regular session of the general court becomes law.

Adopted.

HB 764-FN-A, relative to state revenues and appropriations.

Amendment

Amend the bill by replacing section 12 with the following:

12 Filing Fee Changed. Amend RSA 81:5 to read as follows:

81:5 Abatement of Taxes. The commissioners of the county in which the real estate is situated, for good cause shown, may abate any tax assessed by them in the unincorporated towns or unorganized places. All applications for abatement shall be in writing. If they neglect or refuse to abate, any person aggrieved, having applied with the requirements of RSA 74, may, within 6 months after notice of such tax and not afterwards, apply either by written application to the board of tax and land appeals, or by petition to the superior court in the county, accompanied by a \$40 filing fee [equal to the filing fee established by the law for the bills in equity in the superior court], and said board or court, as the case may be, shall make such order thereon as justice requires.

Amend the bill by replacing section 110 with the following:

110 Contingency; HB 273-FN. If HB 273-FN "An act authorizing the transfer of sick and annual leave and longevity credit for certain state employees, relative to certain salaries and relative to the department of administrative services," becomes law, RSA 14:30-a, IV as inserted by section 2 of this act shall be renumbered as RSA 14:30-a, V.

111 Contingency; SB 19. If SB 19, "An act establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans," becomes law, RSA 17-O as inserted by section 3 of this act shall be renumbered as RSA 17-P.

112 Altering Seating Capacity Requirements. Amend RSA 178:3-c to read as follows:

178:3-c Restaurant Cocktail Lounges. The commission may issue a special license to any first-class restaurant holding a license issued under RSA 178:3-a to serve liquor and beverages in any room of said restaurant designated by the commission. The commission may extend such special license to include the serving of liquor and beverages on a patio area of the restaurant. Liquor and beverages served in such room or on such patio need not be consumed with meals. The actual seating capacity of a restaurant cocktail lounge shall not exceed the actual seating capacity of the function rooms and public dining rooms. The commission may also extend such special license to include the use of a dining area in the restaurant, after such area has been closed for serving meals, but not before 9 o'clock p.m., as an overflow area for the cocktail lounge when the lounge is filled to capacity. In the overflow area, liquor and beverages need not be served with meals as required under RSA 178:3-a. Licenses shall be granted only to such restaurants as the commission, at its discretion, shall approve and then only to such restaurants as can show the commission on forms and under rules adopted by the commission that at least 50 percent of the combined restaurant and lounge sales shall fall within the category of food. Restaurants with annual food sales of at least \$100,000 shall be exempted from the 50 percent requirement, and the commission may prorate by rules the annual food sale requirements for bona fide seasonal restaurants on this basis. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said restaurant. The fee for such special license shall be [~~\$262.50~~] **\$400** per year.

113 On-site Caterers. Amend RSA 178:5-g to read as follows:

178:5-g Caterers. The commission may issue a special license to any caterer with on-site permanent kitchen facilities and permanent dining facilities capable of seating 200 persons or more. Such special license shall permit the licensee to serve liquor and beverages with or without meals to members of a private party in any room of said on-site catering facility designated by the commission. Such special license may permit the licensee to serve liquor and beverages on the premises of other licensed establishments or on the premises of any public building approved by the commissioner. Licenses shall be granted only to such caterers as the commission, at its discretion, shall approve and then only to such caterers as can show the commission on forms and under rules adopted by the commission that at least 50 percent of their combined food and liquor and beverage sales shall fall within the category of food. Said caterers shall notify the commission not less than 5 days in advance of a function specifying date and time when a function is scheduled. The commission may grant, regulate, suspend or revoke said special license without affecting any other license and permit which shall be granted to said licensee. The fee for such special license shall be [~~\$787.50~~] **\$1,200** per year.

114 Off-site Caterers. Amend RSA 178:5-i to read as follows:

178:5-i Off-site Caterers. The commission may issue a special license to any person holding a license issued under the provisions of RSA 178:3-a, 178:4, or 178:5-f to conduct an off-site catering business on premises designated in the license application, provided that the premises meet the requirements of the commission. A special license issued under the provisions of this section shall permit the licensee to serve liquor and beverages with or without meals to members of a private party contracting for such service. The fee for such special license shall be [\$500] **\$840** per year.

115 Contingency; SB 94-FN. If SB 94-FN, "An act authorizing the sale of liquor and beverages in additional areas under a liquor license," becomes law, sections 112-114 of this act shall take effect 60 days after its passage and sections 32, 39, and 41 of this act shall not take effect. If SB 94-FN does not become law, sections 32, 39, and 41 of this act shall take effect 60 days after its passage and sections 112-114 of this act shall not take effect.

116 Performing Arts Facility; Fee Increased. RSA 178:7-b is repealed and reenacted to read as follows:

178:7-b Performing Arts Facility. The commission may issue a special license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The special license shall permit the licensee to sell liquor and beverages to patrons in any rooms designated by the commission. The commission may extend such special license to include the selling of liquor and beverages on a patio area of said facility. The facility may serve liquor and beverages one hour before curtain time, 1/2 hour after the final curtain and during intermission of the performance. The fee for the special license shall be \$338.

117 Contingency; HB 29. If HB 29, "An act relative to liquor laws," becomes law, section 116 of this act shall take effect 60 days after its passage, section 46 of this act shall not take effect, and section 1 of HB 29 shall not take effect. If HB 29 does not become law, section 46 of this act shall take effect 60 days after its passage and section 116 of this act shall not take effect.

118 Wine Representative's License; Fee Increased. Amend RSA 178-A:9, VI to read as follows:

VI. Representative's license - [\$37.50] **\$56**.

119 Contingency; SB 24. If SB 24, "An act relative to liquor store displays and promotions," becomes law, section 118 of this act shall take effect at 12:01 a.m. of the day 60 days after its passage, RSA 178-A:9, VI as inserted by section 50 of this act shall not take effect, and the remainder of section 50 of this act shall take effect 60 days after its passage. If SB 24 does not become law, section 118 of this act shall not take effect and section 50 of this act shall take effect 60 days after its passage.

120 Permit Required. Amend RSA 483-A:1, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without [written notice of his intention to construct, excavate, remove, fill or dredge to] **a permit from** the wetlands board. The [notice] **permit application** shall be sent to the wetlands board and shall be accompanied by a filing fee. The [filing] **permit application** fee shall be \$25 for minimum impact projects, \$100 for minor projects, and \$300 for major projects. At the time of filing with the wetlands board, said person shall also file 3 copies of the [notice] **permit application**, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk.

The town or city clerk shall immediately send a copy of the [notice] *permit application* to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the [notice] *permit application* shall be made reasonably accessible to the public.

121 Provision of HB 80-FN Nullified. 1989, 225:3 (section 3 of HB 80-FN) shall be null and void and of no effect.

122 Contingency; HB 586-FN, HB 270 FN-A, and HB 693-FN.

I. If HB 586-FN, HB 270 FN-A, and HB 693-FN becomes law, RSA 6:12, I(bb) as inserted by section 80 of this act shall be renumbered to RSA 6:12, I(ff). If only 2 of said bills become law, said RSA 6:12, I(bb) shall be renumbered to RSA 6:12, I(ee). If only one of said bills becomes law, said RSA 6:12, I(bb) shall be renumbered to RSA 6:12, I(dd). If none of said bills becomes law, said RSA 6:12, I(bb) shall be renumbered to RSA 6:12, I(cc).

II. RSA 6:12, I(bb) as referred to in paragraph II of section 82 of this act shall be redesignated in accordance with paragraph I of this section.

123 Contingency; HB 578-FN. If HB 578-FN, "An act relative to victim's assistance and compensation," becomes law, paragraph III of section 82 of this act shall not take effect.

124 Effective Date.

I. Sections 59, 79-81, 85, 93-102, 104, and 107-108 of this act shall take effect July 1, 1989.

II. Sections 58, 87-91, 99, 105, 106, 109, 115, 117, 119, and 121 of this act shall take effect upon its passage.

III. Sections 82-84 of this act shall take effect July 1, 1994.

IV. Section 75 of this act shall take effect 30 days after its passage.

V. Section 120 of this act shall take effect July 23, 1989.

VI. Sections 32, 39, 41, and 112-114 of this act shall take effect as provided in section 115 of this act.

VII. Sections 46 and 116 of this act shall take effect as provided in section 117 of this act.

VIII. Sections 50 and 118 of this act shall take effect as provided in section 119 of this act.

IX. The remainder of this act shall take effect 60 days after its passage.

This amendment incorporates changes made in HB 531-FN, inserts amendments to bill sections contingent upon the passage of SB 94-FN, HB 29, SB 24, HB 586-FN, HB 270-FN-A, and HB 693-FN, renumbers RSA provisions to avoid duplicating provisions inserted by HB 273-FN and SB 19, nullifies a provision of HB 80-FN which would duplicate a provision of this bill, and contingently nullifies a bill section if HB 578-FN becomes law.

Adopted.

HB 693-FN, relative to harbor management, leasing of submerged lands and boat registration fees.

Amendment

Amend the bill by replacing section 6 with the following:

6 Contingency; HB 586-FN, HB 270-FN-A. If HB 586-FN and HB 270-FN-A of the 1989 regular session of the general court become law, RSA 6:12, I(bb) as inserted by section 1 of this act shall be renumbered to RSA 6:12, I(ee). If either HB 586-FN or HB 270-FN-A, but not both, become law, said RSA 6:12, I(bb) shall be renumbered to RSA 6:12, I(dd). If neither HB 586-FN nor HB 270-FN-A becomes law, said RSA 6:12, I(bb) shall be renumbered to RSA 6:12, I(cc).

7 Effective Date. This act shall take effect upon its passage.

This amendment contingently renumbers an RSA provision inserted by the bill.
Adopted.

HB 578-FN, relative to victim's assistance and compensation.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT
relative to victims' assistance and making
an appropriation therefor.

Amend RSA 21-M:8-i, II(b) as inserted by section 2 of the bill by replacing lines 3 and 4 with the following:

provides services to victims of crime, and demonstrates:

(1) a record of providing effective services to

Amend section 3 of the bill by replacing all after line 4 with the following:

04 Department of justice

02 Division of public protection

07 Victims' A & C

	FY 1990	FY 1991
10 Personal services - permanent	20,611	21,470
14 Investigator	24,050	26,110
20 Current expenses	6,036	3,205
60 Benefits	10,273	11,419
70 In-state travel	1,500	1,500
80 Out-of-state travel	3,250	3,250
90 Victim compensation	75,000	75,000
97 Victim assistance	354,280	353,046
Total	495,000	495,000
Estimated source of funds for Victims' A & C		
General funds	75,000	75,000
09 Agency income	420,000	420,000
Total	495,000	495,000

The governor is authorized to draw his warrant for \$75,000 for fiscal year 1990 and \$75,000 for fiscal year 1991 out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 7 with the following:

7 Contingency; Renumbering. If HB 270-FN-A, HB 693-FN, and HB 764-FN-A of the 1989 regular session of the general court becomes law, RSA 6:12, I(aa) as inserted by section 1 of this act shall be renumbered to RSA 6:12, I(gg). If any of the above bills do not become law, or if any other act of the 1989 regular session of the

general court which inserts an additional subparagraph in RSA 6:12, I becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act or such other acts as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon the printing of the 1989 session laws.

8 New Paragraphs: Review of Fund. Amend RSA 21-M:8-h by inserting after paragraph V the following new paragraphs:

VI. No later than July 1, 1993, the department of justice shall prepare a report to present to the fiscal committee of the general court. The report shall contain a review of the use of the money in the victims' assistance fund. The fiscal committee shall, following receipt of the report, make its recommendations concerning the continuance or modification of the victims' assistance fund provided for in RSA 149-M:8-f-8-j to the general court no later than December 1, 1993.

VII. The fund created in RSA 6:12, I(aa) shall lapse on June 30, 1994, to the general fund.

9 Prospective Repeal. RSA 21-M:8-f-21-M:8-j, relative to the victims' assistance fund, are repealed.

10 Contingency: HB 764-FN-A. If HB 764-FN-A, "An act relative to state revenues and appropriations," becomes law, section 8 of this act shall take effect January 1, 1990, at 12:01 a.m. and section 9 of this act shall take effect July 1, 1994. If HB 764-FN-A does not become law, sections 8 and 9 of this act shall not take effect.

11 Effective Date.

I. Sections 1, 3-5, and 7 of this act shall take effect July 1, 1989.

II. Sections 8 and 9 of this act shall take effect as provided in section 10 of this act.

III. The remainder of this act shall take effect January 1, 1990.

This amendment corrects drafting and mathematical errors.

Adopted.

HB 518-FN, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor.

Amendment

Amend RSA 604-A:9, I-b as inserted by section 8 of the bill by replacing line 4 with the following:

the state, or if the court finds that the defendant is financially unable

Amend the bill by deleting section 11 and renumbering sections 12-16 to read as 11-15, respectively.

Amend the bill by replacing section 15 with the following:

15 Contingency. If HB 140-FN, "An act relative to delinquent children and children in need of services" becomes law, section 11 of HB 140 shall not take effect.

16 Effective Date. This act shall take effect July 1, 1989.

This enrolled bill amendment inserts a contingency provision, corrects a typographical error, and deletes a section of the bill which was superseded by another section.

Adopted.

HB 273-FN, authorizing the transfer of sick and annual leave and longevity credit for certain state employees, relative to certain salaries and relative to the department of administrative services.

Amendment

Amend section 3 of the bill by replacing lines 2 and 3 with the following:
after section 4-b the following new section:

94:4-c Unclassified to Classified State Service. Any unclassified

This amendment corrects the numbering of an RSA section.

Adopted.

HB 29, relative to liquor laws.

Amendment

Amend the bill by replacing section 6 with the following:

6 Performing Arts. Amend RSA 178:7-b to read as follows:

178:7-b Performing Arts Facility. The commission may issue a special license to any nonprofit performing arts facility which seats more than 50 persons. The commission shall determine by rule whether a facility is a nonprofit performing arts facility. The special license shall permit the licensee to sell liquor and beverages to patrons in any rooms designated by the commission. The commission may extend such special license to include the selling of liquor and beverages on a patio area of said facility [which is not within direct view of any public way]. The facility may serve liquor and beverages [1/2] *one* hour before curtain time, 1/2 hour after the final curtain and during intermission of the performance. The fee for the special license shall be [\$225] 338.

7 Contingency. If HB 764-FN-A, "An act relative to state revenues and appropriations" becomes law, section 6 of this act shall take effect 60 days after its passage and section 1 of this act shall not take effect. If HB 764-FN-A does not become law, section 1 of this act shall take effect 60 days after its passage and section 6 of this act shall not take effect.

8 Effective Date.

I. Sections 1 and 6 of this act shall take effect as provided in section 7 of this act.

II. The remainder of this act shall take effect 60 days after its passage.

This enrolled bill amendment inserts a contingency provision.

Adopted.

SB 144-FN, relative to blood alcohol tests.

Amendment

Amend the bill by replacing section 5 with the following:

5 Rulemaking for Laboratory Certification. Amend RSA 265:85, V(d) and (e) to read as follows:

(d) Forms relative to taking samples for alcohol concentration tests for admission as evidence pursuant to RSA 265:90, IV; [and]

(e) *Procedures for certification of any laboratory that conducts tests pursuant to RSA 265:86, 270:53, or 215-A:II-e; and*

(f) Such other matters as are required to carry out the provisions of this chapter relative to alcohol concentration tests.

6 Contingency; SB 14. If SB 14, "An act relative to alcohol concentration tests for driving while intoxicated and other offenses," becomes law, section 5 of this act shall take effect January 1, 1990, and section 2 of this act shall not take effect. If SB 14 does not become law, section 2 of this act shall take effect January 1, 1990, and section 5 of this act shall not take effect.

7 Effective Date.

I. Sections 2 and 5 of this act shall take effect as provided in section 6 of this act.

II. The remainder of this act shall take effect January 1, 1990.

This amendment contingently replaces the phrase "blood alcohol" with "alcohol concentration" for consistency with another amendment.

Adopted.

SB 88-FN, providing a cost of living adjustment for certain group I members, and relative to the method for granting supplemental allowances to New Hampshire retirement system members.

Amendment

Amend line 2 of section 3 of the bill by replacing it with the following:

43 the following new subdivision heading:

This enrolled bill amendment corrects an error in the amending language.

Adopted.

SB 97-FN, relative to the distribution of drug forfeiture money.

Amendment

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the distribution of drug forfeiture money and appropriating
funds to be transferred from the office of alcohol and drug
abuse prevention to the department of corrections
for a comprehensive drug and alcohol abuse
treatment program.

The title of this bill is amended to conform to the bill as amended by the committee of conference report.

Adopted.

HB 613-FN, relative to the method for granting supplemental allowances to New Hampshire retirement system members.

Amendment

Amend line 2 in section 3 of the bill by replacing it with the following:

43 the following new subdivision heading:

Amend section 7 of the bill by replacing it with the following:

7 Contingency Provision. If SB 88-FN, "An act providing a cost of living adjustment for certain group I members, and relative to the method for granting supplemental allowances to New Hampshire retirement system members," of the 1989 session

of the general court becomes law, sections 1-6 of SB 88-FN shall be null and void and of no effect.

8 Contingency; SB 89-FN and SB 90-FN. If either or both SB 89-FN, "An act providing a 5 percent cost of living adjustment for group I retirement system members, establishing a committee to study insurance and medical benefits for retired state employees, relative to retirement benefits for widows of superior court justices and making an appropriation therefor, and relative to medical benefits for retired state employees," or SB 90-FN, "An act providing a cost of living adjustment for group II members," becomes law, the references to RSA 100-A:42-a in section 1 of SB 89-FN and in section 1 of SB 90-FN shall be changed to RSA 100-A:41-a

9 Effective Date. This act shall take effect July 1, 1989.

The provisions of SB 88-FN are duplicated in this bill (HB 613-FN). This amendment nullifies the duplicate provisions of SB 88-FN, if it becomes law. This amendment also corrects amending language and contingently renumbers a cross-reference in SB 89-FN and SB 90-FN.

Adopted.

ENROLLED BILLS REPORT

HB 45, to increase the age limit relative to the motor vehicle child restraint requirement.

HB 59, changing the name of the New Hampshire vocational-technical college education system.

HB 96, increasing the personal needs allowance.

HB 103, relative to motor vehicle laws.

HB 177, authorizing local authorities to reduce the speed limit in business and urban residence districts.

HB 251, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor.

HB 345, relative to interference with hunters, trappers and fishermen.

HB 394, establishing a state energy response funding committee and relative to hazardous materials incident response.

HB 410, relative to nursing scholarships.

HB 433, relative to a pool for environmental liability insurance and making an appropriation therefor.

HB 475, permitting a candidate to designate the form in which his name shall be printed on the ballot and relative to the form of state general election ballots.

HB 486, relative to clearing land and cutting timber.

HB 487, relative to grandparents' rights.

HB 528, relative to learners' permits.

HB 587, relative to special number plates for persons with walking disabilities.

HB 595, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system.

HB 605, relative to a recycling logo.

SB 9, to clarify how to designate highways to summer cottages.

SB 50, relative to measuring liquid hazardous waste.

SB 109, establishing a pilot reading recovery program and making an appropriation therefor.

HB 88, relative to weights and measures.

HB 147, relative to commercial driver licensing.

HB 300, relative to studying access to medical care for persons without health insurance and making an appropriation therefor.

HB 353, prohibiting the use and operation of ski craft on Canaan Street Lake in the town of Canaan.

HB 465, changing the name of the solid waste management council.

HB 492, relative to recreational campgrounds and camping parks.

HB 556, relative to the board of governors, and administrative board, and the commissioner of the department of postsecondary vocational-technical education.

HB 661, relative to notification to downstream municipalities concerning effluent discharges.

HB 226, relative to state-issued bonds for college tuition.

HB 546, relative to the water protection assistance program and relative to the closure of shellfish flats on the seacoast.

SB 24, relative to liquor store displays and promotions.

SB 82, establishing a Study Committee on judicial retirement vesting rights and retirement contributions.

SB 105, making an appropriation for improving electrical service at Weeks state park in Lancaster.

SB 164, relative to registering ophthalmic dispensers and making an appropriation therefor.

SB 177, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.

SB 10, relative to floating timber.

SB 14, relative to alcohol concentration tests for driving while intoxicated and other offenses.

SB 27, relative to the liability of landowners for hazardous waste cleanup.

SB 45, relative to child support enforcement.

SB 52, relative to drug paraphernalia.

SB 70, relative to the technical assistance provided to municipalities by the office of state planning.

SB 73, establishing a committee to study taxing all tobacco products.

SB 77, relative to holiday pay for certain part-time employees.

SB 81, relative to the management of court facilities and making an appropriation therefor.

SB 89, providing a 5 percent cost of living adjustment for group I retirement system members, establishing a committee to study insurance and medical benefits for retired state employees, relative to retirement benefits for widows of superior court justices and making an appropriation therefor, and relative to medical benefits for retired state employees.

SB 90, providing a cost of living adjustment for group II members.

SB 106, relative to issuing temporary driver's licenses to new residents and authorizing additional positions for the department of safety and making an appropriation therefor.

SB 108, relative to Skyhaven airport in Rochester.

SB 113, establishing a study committee to examine medicaid coverage of dental benefits for all categorically eligible recipients.

SB 154, relative to timely distribution of sweepstakes revenues through the foundation aid formula.

SB 175, making an appropriation to the arts development program.

SB 189, relative to the study of New Hampshire commuter rail service.

SB 191, relative to telecommunications devices for the deaf and making an appropriation therefor.

SB 203, relative to employing minors enrolled in school.

HB 50, exempting the department of transportation and the department of safety from the authority of the director of information services.

HB 70, increasing the appropriation for constructing regional vocational education centers.

HB 85, relative to employer enrollment oversight and the New Hampshire retirement system, relative to eligibility for membership in the retirement system, and relative to a director of finance for the retirement system.

HB 100, making appropriations for capital improvements.

HB 146, relative to the milk standard.

HB 200, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990 and June 30, 1991.

HB 260, relative to salaries within the department of education.

HB 327, relative to the rate of the real estate transfer tax.

HB 384, establishing a task force to review the recommendations of the Manchester Airport and highway study.

HB 488, relative to regional cooperation on solid waste disposal.

HB 590, relative to submitting municipal financial reports to the department of revenue administration.

HB 710, regulating the use of social security numbers by the department of safety.

HB 766, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements.

SB 98, relative to the application of planning and zoning regulations to land affected by more than one municipality.

SB 168, establishing a division of fire service.

HB 117, relative to feeding garbage to swine.

HB 206, prohibiting boats with more than 30 horsepower from operating on Bradley Lake in Andover.

HB 222, limiting the speed of power boats on Indian Pond in the town of Orford.

HB 288, relative to penalties for aggravated DWI, negligent homicide, and possession of controlled drugs.

HB 385, to tax all forms of tobacco products.

HB 396, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators.

HB 582, dedicating the state police barracks in Milford to Major John T. Conti, Sergeant Roger Hilton, and Sergeant William Smith.

HB 445, recodifying certain water laws.

HB 586, relative to siting and permitting of solid and hazardous waste disposal facilities; to forfeiture of property for solid waste management violations; and to low-level radioactive waste management.

HB 722, regarding solid waste management districts.

SB 33, relative to a study for siting an interchange on the Spaulding turnpike and making an appropriation therefor.

SB 36, relative to the pro rata appropriation of catastrophic special education aid, school building aid, and submitting municipal financial reports of the commissioner of education.

SB 39, establishing a speed limit for power boats on Spofford Lake.

SB 40, requiring the department of safety to post headway speed limits on the Connecticut River.

SB 56, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations; increasing the penalty for reckless driving; and relative to driver's license fees.

SB 71, authorizing the removal of a boat and mooring under certain circumstances and establishing a study committee on the boat registration fee structure and valuation of boats for registration.

SB 86, prohibiting petroleum powered boats on Wilson Lake.

SB 94, authorizing the sale of liquor and beverages in additional areas under a liquor license.

SB 150, relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor; appropriating funds for a study of Route 101; and making an addition to the 10-year highway plan.

SB 153, establishing a committee to study the AFDC program and making an appropriation therefor.

HB 29, relative to liquor laws.

HB 270, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor.

HB 273, authorizing the transfer of sick and annual leave and longevity credit for certain state employees, relative to certain salaries and relative to the department of administrative services.

HB 371, relative to licensing respiratory care practitioners and making an appropriation therefor.

HB 518, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor.

HB 578, relative to victims' assistance and making an appropriation therefor.

HB 613, relative to the method for granting supplemental allowances to New Hampshire retirement system members.

HB 693, relative to harbor management, leasing of submerged lands and boat registration fees.

HB 764, relative to state revenues and appropriations.

SB 88, providing a cost of living adjustment for certain group I members, and relative to the method for granting supplemental allowances to New Hampshire retirement system members.

SB 97, relative to the distribution of drug forfeiture money and appropriating funds to be transferred from the office of alcohol and drug abuse prevention to the department of corrections for a comprehensive drug and alcohol abuse treatment program.

HB 104, relative to common and contract carriers.

HB 262, extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.

HB 434, relative to franchising and regulation of cable television systems and making an appropriation therefor.

HB 464, relative to sons and daughters of members of charitable organizations assisting with bingo games.

HB 502, relative to disclosure of mental health information.

HB 594, to reinstate medical and surgical benefits for certain retired employees and relative to health care coverage for retired employees of political subdivisions.

HB 629, relative to gravesites.

HB 637, relative to the conduct of tax sales for failure to pay real estate taxes.

HB 654, creating a committee to study what organizations may participate in the New Hampshire retirement system, and authorizing the New Hampshire federation of teachers to participate in the New Hampshire retirement system.

HB 658, establishing a committee to study the laws relative to depositions.

HB 677, relative to modification of child support guidelines.

SB 7, limiting the horsepower of motors on Christine Lake in the town of Stark.

SB 51, relative to the Christa McAuliffe planetarium.

SB 67, relative to regulation of excavation of sand, gravel, and construction aggregate.

SB 69, establishing a study committee relative to a home mortgage guarantee authority.

SB 87, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease.

SB 91, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957, and relative to retirement benefits for combined state and university system service.

SB 111, relative to the operation of ski craft.

SB 144, relative to blood alcohol tests.

SB 196, relative to bail.

Rep. Mary Ann Lewis, Rep. James D. Phelps, Sen. David P. Currier
FOR THE COMMITTEE

MESSAGES FROM GOVERNOR

June 5, 1989

To the Honorable Members of the General Court:

I have this day signed HB 100, an act making appropriations for capital improvements.

I have done so because I feel that the Capital Budget contains authorizations for several projects that are necessary to meet critical needs of the state.

However, I must respectfully emphasize that it is my considered opinion that certain footnotes which have been appended to several projects infringe upon the constitutionally protected separation of powers doctrine. Such restrictive footnotes effectively negate the power constitutionally delegated to the Governor as Chief Executive and/or the Governor and the Executive Council.

I believe that the restrictions presented by these footnotes are unsound and constitute a continuing effort by the Legislative Branch to erode the constitutional authority of the Executive Branch to execute the laws as passed by the legislature. The issue of separate and independent powers of the three branches of government is so basic to our form of government that I shall disregard these footnotes and, if necessary, bring the issues to the Courts for resolution.

Governor Judd Gregg

To the Honorable Members of the General Court:

I have this day signed HB 273-FN, an act authorizing the transfer of sick and annual leave and longevity credit for certain state employees, relative to certain salaries and relative to the Department of Administrative Services.

I have done so based upon assurances by both the Senate President and the Speaker of the House that it is clearly legislative intent that sections 12 and 13 of the bill do not apply to current unclassified positions that are appointed and commissioned by the Governor with the consent of the Council.

I would suggest, however, that additional legislation be introduced in the next legislative session to eliminate any possible ambiguities contained in these two sections, as well as a provision requiring that any action taken under these sections will require the concurrence of the Governor and Council prior to implementation.

Governor Judd Gregg

To the Honorable Members of the General Court:

I have this day signed HB 764, an act relative to state revenues and appropriations. I have done so because I feel that the majority of the issues addressed by this bill are necessary and in the best interests of the citizens of New Hampshire.

However, I must emphasize that, for example, Sections 2, 3 and 4 of the bill present serious infringements on the constitutionally protected separation of powers doctrine.

Section 2: "IV: Prior to an agency's submission of the request for proposal for state data processing equipment, the fiscal committee shall review all plans for such equipment after such plans are approved by the division of information services pursuant to RSA 21-I:9, II."

Section 3: "17-0:3 Terms. All members shall be appointed to the committee for terms ending when their elected legislative terms end. 17-0:4 Duties. The Committee shall advise the fiscal committee on matters related to present and proposed expenditures of funds for data processing and such other matters as may be referred to it by the fiscal committee."

Section 4 which amends the statute relative to the Division of Information Services. "4 New Subparagraph: Review of Plan. Amend RSA 21-I:9, III(a) by inserting after subparagraph (3) the following new subparagraph: (4) The fiscal committee shall review the plans for such equipment."

I believe that, depending upon the method of implementation, these sections would constitute an unconstitutional delegation of the authority of the General Court to a committee of the Legislature which could override the judgment of the entire Legislative Branch as well as the Executive Branch of the Government.

As I also indicated to you in my message upon signing HB 100, the issue of separate and independent powers of the three branches of government is so basic to our form of government that I will, if necessary, bring such issues to the courts for resolution.

Governor Judd Gregg

To the Honorable Members of the General Court:

I have signed SB 111 into law. My concern about problems posed by continued proliferation of jet ski craft on our public waters is well-known. In my judgment, SB 111 is not a complete response to a deteriorating situation which threatens public access, use and enjoyment of our state's public waters. Nevertheless, the bill is a sincere effort by our Legislature to begin the process of reconciling this particular use of our public waters with the many other uses so important to our quality of life in New Hampshire and to proper management of our state's resources for New Hampshire citizens and visitors this summer.

By its provision, this law will put to the test the promises of jet ski owners to "police their own." It will test the commitment of New Hampshire residents to use the petition process to provide for coexistence with these craft where it is not. This

law will also require the Department of Safety to enforce the law's restrictions by implementing immediately the petition process it establishes.

To ensure that we do our part, I have advised Commissioner Flynn of my wish that he quickly enact the emergency rules authorized by the law, begin strict enforcement, and proceed with the hearings process as soon as possible.

A copy of that request is attached.

Governor Judd Gregg

(Deputy Speaker Burns in the Chair)

Rep. Brungot moved that the House adjourn.

HOUSE JOURNAL No. 30

Wednesday, June 28, 1989

The House assembled at 2:10 p.m. and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Father Emmanuel Koveas, pastor of the Holy Trinity Greek Orthodox Church of Concord.

Let us pray.

In the name of the Father, Son and Holy Spirit.

O God, the true light which illumineth and sanctifieth every man who cometh into the world! Let the light of Thy countenance be showed upon us, that in it we may behold the light ineffable and guide our footsteps aright to the keeping of Thy commandments, to the peace and love first, to the President of our Nation, to our own Governor, and to all the leaders of our own State, and strengthen those values to all of us for the Glory of Your Holy name. Amen.

Rep. White led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Pierce, Russell Chase, Jean, Richardson, Provencal and Ann Derosier, the day, illness.

Reps. Swope, Nelson, Kane, Gerald Smith, Ritzo, Parks, Knight, Kinney, Richard Hill, Hinrichsen, Foss, Fair, Drake, Bell, Simon, Emma Dodge, Albert Dionne, Carl Anderson, Lewis Brown, Ann Torr and Hager, the day, important business.

Rep. Shackett, the day, death in the family.

Reps. MacKinnon, Joseph MacDonald, Lozeau, A. Gibb Dodge and Eunice Campbell, the day, illness in the family.

INTRODUCTION OF GUESTS

Chris Severance and Ned Quigley of Whitefield, guests of Deputy Speaker Harold Burns and Rep. Woodburn; Shawna Genest of Peterborough, guest of Reps. Elliott and Dyer; Robin Ann Remick, daughter of Rep. Remick; Mrs. Dorothy Vergdenhill, guest of Rep. Bicknell; Antoinette Diemer and Bob Baldizar, mother and husband of Rep. Baldizar; Dick Kress, husband of Rep. Kress; Adam and Benjamin Pignatelli, sons of Rep. Pignatelli; Mrs. Sheila Dudman and Merrimack cheerleaders Tracy Dudman and Kristi Boucher, guests of the Merrimack Delegation; Lucas Lucier, son of Rep. Lucier; Nathalie Sullivan, wife of Rep. Sullivan; Dr. Madeline Daniels, guest of Rep. Ouellette; Dorothy Flint, wife of Rep. Flint; Reginald A. Williams of New Orleans, Louisiana, guest of Rep. Lionel Johnson; Tom and Dierdra Christo, guests of Rep. Parr; David and Danny Jackson of Plymouth, guests of Rep. Dow; Yolande Guay, wife of Rep. Guay.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Joint and House Rules be so far suspended as to permit the introduction and consideration at the present time of HB 767, relative to state employee salaries and making an appropriation therefor.

Reps. Palumbo and Chambers spoke to the motion.

Adopted by the necessary two-thirds.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 767-FN-A, relative to state employee salaries and making an appropriation therefor. (Palumbo of Rockingham Dist. 10; Chambers of Grafton Dist. 12; Dupont of Dist. 6; Preston of Dist. 23 - To Joint Committee on Employment Relations)

HB 767-FN-A, relative to state employee salaries and making an appropriation therefor. Ought to Pass. Rep. Palumbo for the Joint Committee on Employment Relations

(Speaker in the Chair)

Reps. Gross and Palumbo spoke in favor and yielded to questions.

Reps. Chambers spoke in favor.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Joint and House Rules be so far suspended as to permit the introduction and consideration at the present time of **HB 768**, relative to the recodification of certain water laws.

Rep. Palumbo spoke to the motion.

Adopted by the necessary two-thirds.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 768, relative to the recodification of certain water laws. (Blanchard of Rockingham Dist. 26; Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; Freese of Dist. 4 - To Resources, Recreation and Development)

Rep. Dickinson moved that **HB 768** be ordered to third reading.

Rep. Blanchard spoke to the motion.

Rep. Dickinson spoke in favor of the motion and yielded to questions.

Motion adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Joint and House Rules be so far suspended as to permit the introduction and consideration at the present time of **HB 769**, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections.

Rep. Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 769-FN, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections. (Hollingworth of Rockingham Dist. 17; Gross of Merrimack Dist. 16 - To Appropriations)

Reps. Hollingworth moved that **HB 769** be ordered to third reading and spoke to her motion.

Motion adopted.

Ordered to third reading.

Rep. Palumbo offered the following:

RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to adjourn sine die.

Adopted.

LATE SESSION

Third reading and final passage

HB 767, relative to state employee salaries and making an appropriation therefor.

HB 768, relative to the recodification of certain water laws.

HB 769, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections.

RECONSIDERATION

Having voted with the prevailing side, Rep. Christy moved that the House reconsider its action whereby it passed HB 767, relative to state employee salaries and making an appropriation therefor.

Motion lost.

SUSPENSION OF RULES

Reps. Palumbo and Chambers moved that the Joint and House Rules be so far suspended as to permit the introduction and consideration at the present time of HR 31, urging Congress to enact remedial legislation against flag desecration.

Adopted by the necessary two-thirds.

INTRODUCTION OF HOUSE RESOLUTION

First, second reading and referral

HR 31, urging Congress to enact remedial legislation against flag desecration. (Pepino of Hillsborough Dist. 37; Welch of Rockingham Dist. 10; Hunter of Hillsborough Dist. 16; Brady of Hillsborough Dist. 33; Bowers of Hillsborough Dist. 11; Scanman of Rock. 19; Palumbo of Rockingham Dist. 10; Chambers of Grafton Dist. 12; Rep. Torr of Straf. 11; Rep. Burns of Coos 5; Rep. Densmore of Grafton 3; Rep. Stacey Cole of Cheshire 10 - To State-Federal Relations)

Rep. Pepino moved Ought to Pass and spoke to the motion and yielded to questions.

Rep. Welch spoke in favor and yielded to questions.

Rep. Arnesen spoke against and yielded to questions.

Rep. Parr spoke in favor.

Rep. Trombly spoke against and yielded to questions.

Reps. Stacey Cole and Chambers spoke in favor.

Rep. Jacobson spoke to the resolution.

Rep. Palumbo spoke in favor and yielded to questions.

A roll call was requested. Sufficiently seconded.

YEAS 276

NAYS 39

YEAS 276 BELKNAP

Ballou, Richard A.
Hardy, Earle D.
Maviglio, Steven R.
Rosen, Ralph J.
White, James J.

Bolduc, Dennis R.
Hawkins, Robert S.
Pearson, Ralph W.
Turner, Robert H.
Ziegra, Alice S.

Golden, Paul A.
Holbrook, Robert G.
Rice, Thomas E. P., Jr.
Vogler, Charles C.

CARROLL

Allard, Nanci A.
Foster, Robert W.
Saunders, Howard N.

Daly, Robert J., Jr.
MacDonald, Kenneth J.
Wiggin, Allen R.

Dickinson, Howard C., Jr.
Powers, Gerard E., Jr.

CHESHIRE

Avery, Stephen G.
Cole, Stacey W.
Foster, Katherine D.
Hill, Douglas E.
Metzger, Katherine H.
Perry, David M.
Young, David A.

Blacketor, Paul G.
Crutchley, Donald O.
Gordon, Irvin H.
Laurent, John J.
Morse, JoAnn T.
Sawyer, Alfred P.

Cole, Kenneth A.
Doucette, Richard F.
Grodin, Richard A.
Matson, William R.
Pearson, Gertrude B.
Spear, Susan S.

COOS

Brungot, Catherine V.
Dumont, Robert E.
Kilbride, Dennis J.
Mayhew, Josephine
Theriault, Romeo J.

Buckley, C. Fitzgerald, III
Guay, Lawrence J.
Lemire, George
Merrill, Gerald P.
Woodburn, Jeffrey R.

Burns, Harold W.
Horton, Lynn C.
Marsh, Beaton
Oleson, Otto H.

GRAFTON

Adams, Carl S.
Brown, Channing T.
Densmore, Edward D.
LaMott, Paul I.
Scanlan, David M.
Townsend, Howard C.
Weymouth, Philip H.

Bean, Pamela B.
Chambers, Mary P.
Dow, David O.
Larson, Nils H., Jr.
Stewart, Roger
Wadsworth, Karen O.
Whitcomb, Henry F., Jr.

Bennett, Shirley M.
Christy, C. Dana
Driscoll, William J.
Rose, William B.
Teschner, Douglass P.
Ward, Kathleen W.

HILLSBOROUGH

Ahrens, Frederick G.
Baldizar, Barbara J.
Bicknell, Robert C.
Bourque, Ann J.
Cowenhoven, Garret P.
Desrosiers, William J.
Drabinowicz, A. Theresa
Dwyer, Patricia R.
Elliott, Larry G.
Foote, Herbert N., Sr.
Gagnon, Gabrielle V.
Grip, Robert H.
Harlan, Susan N.
Hultgren, David D.
Johnson, Lionel W.

Alukonis, David J.
Barry, Janet G.
Biondi, Christine A.
Bowers, Dorothy C.
Daigle, Robert A.
Domaingue, Jacquelyn M.
Drolet, Paul L., Jr.
Dyer, Merton S.
Emerton, Lawrence A., Sr.
Ford, Nancy M.
Genest, Fernand A.
Guilbert, Lionel
Healy, Daniel J.
Hunter, Bruce F.
Keefe, Edmund M.

Amidon, Eleanor H.
Barry, Vivian
Boucher, Lionel R.
Burkush, Peter A.
Desrochers, Gerard T.
Donovan, Francis X.
Dube, Ellen C.
Dykstra, Leona
Fields, Dennis H.
Frank, Nancy G.
Green, Scott E.
Gureckis, Adam C., Sr.
Holden, Carol H.
Jasper, Shawn N.
Kelley, Robert N.

King, John A.
 Kurk, Neal M.
 Lefebvre, Roland J.
 McCann, Bonnie Lou
 McRae, Karen
 Morrisette, Roland A.
 O'Rourke, JoAnne A.
 Pepino, Leo P.
 Provost, Gilles R.
 Rheault, Lillian I.
 Sallada, Roland A.
 Soucy, Lillian E.
 Tarpley, Nancy L.
 Tyree, Paul M.
 Wright, George W.

Kress, Gloria W.
 Lachut, Ervin R.
 Long, Linda D.
 McDowell, James E.
 Messier, Irene M.
 Murphy, Robert E.
 Packard, Bonnie B.
 Perham, Lester R.
 Record, Alice B.
 Riley, Frances L.
 Schneiderat, Catherine A.
 Steiner, Lee Anne S.
 Toomey, Daniel
 Vanderlosk, Stanley R.

Kuchinski, Steve
 Lawrence, Norman B.
 Mason, Howard F.
 McNerney, Daniel P.
 Moore, Elizabeth A.
 Nardi, Theodora P.
 Pappas, Toni
 Prestipino, Bartolo V.
 Reidy, Frank J.
 Robinson, Ellen-Ann
 Searles, Stanley N., Sr.
 Stiles, Walter A.
 Turgeon, Roland M.
 Wheeler, David K.

MERRIMACK

Anderson, Eleanor M.
 Barberia, Richard A.
 Carter, Susan D.
 Fraser, Leo W., Jr.
 Hayes, Robert C.
 Jacobson, Alf E.
 Lewis, Mary Ann
 Nichols, Avis B.
 Shaw, Randall F.
 Tolpin, Richard W.

Apple, Lowell D.
 Bardsley, Elizabeth S.
 Daneault, Gabriel
 Gilbreth, Robert M.
 Hill, Michael
 Johnson, C. William
 Lockwood, Robert A.
 Pfaff, Terence R.
 Stio, Peter M.
 West, George M.

Asplund, Bronwyn L.
 Boucher, Laurent J.
 Fillion, Paul R.
 Gross, Caroline L.
 Holmes, Mary C.
 Kidder, William F.
 Millard, Elizabeth S.
 Phelps, James D.
 Teague, Bert
 Whittemore, James A.

ROCKINGHAM

Boucher, William P.
 Caswell, Albert, Jr.
 Dube, LeRoy S.
 Flanders, Harry E.
 Gage, Beverly A.
 Haynes, Richard L.
 Hynes, Carolyn E.
 Katsakiores, Phyllis M.
 Klemm, Arthur P., Jr.
 Mace, Ada L.
 McCain, William F.
 Micklon, Stephanie K.
 Parr, Ednapearl F.
 Rosencrantz, James R.
 Senter, Marilyn P.
 Sochalski, Matthew M.
 Tufts, J. Arthur
 Wells, Henry E.

Brown, Jeffrey M.
 Conroy, Janet M.
 Felch, Charles H., Sr.
 Flanders, John W., Sr.
 Gage, Thomas U.
 Hoar, John, Jr.
 Johnson, Robert A.
 King, Roger C.
 Lovejoy, Virginia K.
 Magoon, Harold F.
 McCarthy, John J., Jr.
 Palazzo, Frank J., Sr.
 Raynowska, Bernard J.
 Roulston, Donald L.
 Seward, Russell G.
 Splaine, John E., Sr.
 Warburton, Calvin
 Wright, David B.

Campbell, Marilyn R.
 Cote, Patricia L.
 Flanagan, Natalie S.
 Forsythe, Douglas G.
 Greene, Elizabeth A.
 Hoelzel, Kathleen M.
 Katsakiores, George N.
 Klemarczyk, Thaddeus E.
 MacDonald, Maurice B.
 Malcolm, Kenneth W.
 McKinney, Betsy
 Palumbo, Vincent J., Jr.
 Remick, Barbara R.
 Schmidtchen, Rowland
 Sherburne, John L.
 Sytek, Donna P.
 Welch, David A.

STRAFFORD

Appleby, James E.
 Brown, Julie M.
 Flynn, Edward J.

Bernard, Mary E.
 Callaghan, Robert J.
 Frechette, Roland A.

Bickford, Drucilla
 Flynn, Anita A.
 Kincaid, William K.

Marston, Robert E.
Scharff, Thomas E.
Sullivan, Henry P.
Wall, Janet G.

O'Brien, John
Spencer, Leo J.
Torr, Ralph W.
Young, John B.

Pelley, Janet R.
Stewart, Glenn W.
Vincent, Francis C.

SULLIVAN

Behrens, Thomas A.
Flint, Gordon B.
Middleton, John A.
Schotanus, Merle W.

Brodeur, Robert J.
Krueger, Richard H.
Peyron, Fredrik

Domini, Irene C.
MacAskill, Kenneth M.
Rodeschin, Beverly T.

NAYS 39 BELKNAP

Campbell, Richard H., Jr.

CARROLL

Olimpio, J. Lisbeth

CHESHIRE

Barber, Robert E., Jr.
Miller, Jeffrey C.

Hunt, John B.
Pratt, Irene A.

LaMar, David M.

GRAFTON

Arnesen, Deborah L.
Nordgren, Sharon L.

Guest, Robert H.

Markley, J. Keith

HILLSBOROUGH

Goulet, Maurice E.
Lown, Elizabeth D.
Rodgers, G. Philip

Hall, Betty B.
Ouellette, Robert O.
Smith, Leonard A.

Jenkins, Mary
Pignatelli, Debora B.
Upton, Barbara A.

MERRIMACK

Dunn, Miriam D.
Trombly, Rick A.

Hall, Douglas E.
Wallner, Mary Jane

Pantzer, Eugene E.

ROCKINGHAM

Blanchard, MaryAnn N.
Sanderson, Patricia O.

Hollingworth, Beverly A.
Vaughn, Charles L.

Popov, Elizabeth M.
Weddle, Michael R.

STRAFFORD

Burton, Wayne M.
Merrill, Amanda A.

Gilmore, Gary R.
Wheeler, Katherine Wells

McCann, William H., Jr.

SULLIVAN

Harland, Jane A.
and the resolution was adopted.

Lucier, Edward A., Jr.

Stamatakis, Carol M.

INDEFINITE POSTPONEMENT

Reps. Palumbo and Chambers moved that those bills on the table, HB 413, establishing the solid waste reduction planning assistance program and making an appropriation therefor, and SB 20, relative to the method of taking deer in the city of Dover, be by this resolution indefinitely postponed.

Adopted.

UNANIMOUS CONSENT

Rep. Long addressed the House by unanimous consent.

Rep. Sallada moved that Rep. Long's remarks be printed in the House Journal.

Thank you, Mr. Speaker. To the members of the General Court: My sincere thanks to the members of the New Hampshire House who supported my ideas and encouraged me when it seemed that I would run into granite. I'm sure that most of you know by now that I won't be with you next session, but my prayers will be with most of you.

As most of you know, when the engine leaves the station, the little caboose must go with it. So I and my three little cabooses in the balcony, Rodney, Nicky and Desmond, will be following the big engine down to North Carolina. When I come back, I'm sure to have a twang, and I'll be in the balcony, waving on down and asking y'all to come visit me sometime.

I must thank the support personnel here in the State House. They have been sincere and warm to me since my arrival three years ago.

For the past 11 years and 6 months, I have witnessed the rich get richer, the poor get poorer. I have sat, sometimes uncomfortably, as we, the Live Free or Die state, passed legislation to ease the suffering in Northern Ireland, but did nothing to ease the suffering in South Africa. I have listened to the emotional debate over the flag, and yet, when that same flag was carried by the Klan, there was no such debate. Yet I support the ideas of preserving the flag.

But we must still move ahead. I trust my faith in each member to do the right thing. America was founded on freedom for all Americans, and we in New Hampshire cannot sit by and say nothing when we know that something is terribly wrong. New Hampshire has been my home for the past 11 years and six months. My family and I will miss most of you.

I leave you with a quote by myself that the Concord Monitor ran in January 1989, and it said: "Not in my time, but it will pass," referring to the honoring of the late Dr. Martin Luther King.

So I ask you all, let's keep hope alive. Let's move ahead. Let's make New Hampshire the place it can be for all Americans; for everybody, not just those of you who were born here. This is all our land. God bless America. Thank you.

Rep. Densmore addressed the House by unanimous consent on HB 200 and yielded to questions.

The Speaker commented on the provision of HB 200 in question.

RESIGNATIONS

July 14, 1989

Hon. W. Douglas Scamman, Jr.
Speaker of the House
State House
Concord, NH 03301

Dear Mr. Speaker:

Due to my recent appointment as Associate Deputy Under Secretary of Intergovernmental Policy at the Department of Energy, I regretfully submit my resignation to the New Hampshire House.

William H. Hatch
District 23
Nashua, Ward 2

Speaker of the House
NH House of Representatives
Concord, NH 03301

Dear Mr. Speaker:

I, Rachel Racicot member of the New Hampshire House of Representatives for Ward II in the City of Manchester, am unable to serve and therefore resign as State Representative effective immediately.

Signed on this date of August 10, 1989

Rachel Racicot

August 16, 1989

W. Douglas Scamman, Jr.
Speaker of the New Hampshire House
State House
Concord, NH 03301

Dear Mr. Speaker:

I hereby resign the office of Representative to the General Court for Hillsborough County, District 25 (Nashua, Ward 5). I will be moving out of state and no longer qualify as a resident.

Sincerely

Rep. Linda D. Long

COMMUNICATION

Mr. James Chandler
Clerk of the House of Representatives
State House
Concord, NH 03301

Dear Mr. Chandler:

This is to advise that the following representative-elect was sworn into office by the Governor and Executive Council on August 2, 1989:

Hillsborough County District No. 17 (Brookline, Greenville, Mason, New Ipswich)
Gregory L. Hanselman, i, New Ipswich (Main Street) 03071.

Sincerely,

Paula S. Penney

Administrative Assistant

Rep. Palumbo moved that the House stand in recess.

Adopted.

RECESS

ENROLLED BILLS REPORTS

HB 767, relative to state employees salaries and making an appropriation therefor.

HB 768, relative to the recodification of certain water laws.

HB 769, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections.

Rep. Mary Ann Lewis

Sen. David P. Currier

FOR THE COMMITTEE

SENATE MESSAGE**CONCURRENCE**

HB 767, relative to state employees salaries and making an appropriation therefor.

HB 768, relative to the recodification of certain water laws.

HB 769, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections.

Rep. Palumbo moved that the House adjourn sine die.

Adopted.

The House adjourned at 4:10 p.m.

Attest:

James A. Chandler
House Clerk

BILLS RE-REFERRED TO COMMITTEE BY HOUSE

- HB 33,** prohibiting ski craft on Stinson Lake in the town of Rumney.
- HB 49,** prohibiting ski craft on Rust Pond, Lake Wentworth and Crescent Lake in the town of Wolfeboro.
- HB 78,** requiring correctional line personnel to have major responsibility for security for group II retirement purposes.
- HB 95,** relative to eligibility criteria for AFDC recipients.
- HB 105,** relative to licensing lay-midwifery.
- HB 108,** licensing massage practitioners and massage establishments.
- HB 116,** relative to frivolous claims or denials of workers' compensation awards.
- HB 139,** establishing a fair hearings office administratively attached to the department of education and making an appropriation therefor.
- HB 149,** relative to operational permits for public water systems.
- HB 165,** relative to labor unions of supervisors.
- HB 171,** relative to fees at certain state park beaches.
- HB 190,** relative to conflicts between municipal budget law and collective bargaining negotiations.
- HB 194,** relative to the award of interest in workers' compensation cases.
- HB 195,** relative to eligibility for disability payments to injured workers.
- HB 196,** relative to compensation for temporary partial disability under workers' compensation.
- HB 216,** requiring emissions control inspections of motor vehicles.
- HB 220,** relative to managing tax supported state debt.
- HB 233,** prohibiting the transportation of persons and domesticated pets in open bed trucks.
- HB 249,** creating a wildlife conservation fund.
- HB 265,** relative to telephone and telegraph company taxes.
- HB 266,** requiring employers to offer health insurance benefits to part-time employees.
- HB 280,** relative to the liability of co-employees in workers' compensation.
- HB 281,** relative to third party recoveries in workers' compensation.
- HB 283,** relative to permanent impairment awards under workers' compensation.
- HB 284,** relative to co-employee liability under workers' compensation.
- HB 297,** relative to workers' compensation for part-time police officers.
- HB 318,** prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton.
- HB 348,** establishing a committee to study damages from construction.
- HB 355,** relative to the African Development Bank.
- HB 363,** prohibiting the use of steel leg traps in the state.
- HB 372,** relative to forwarding election returns by the state police.
- HB 381,** requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.
- HB 382,** (New Title) to tax the removal of natural resources in municipalities and unorganized places and making an appropriation therefor.
- HB 390,** funding a study of the laws relating to New Hampshire retirement system investment and audit practices.
- HB 393,** requiring the state of New Hampshire to make timely payments on its contracts.

- HB 399,** relative to an emergency loan fund for school district facilities and making an appropriation therefor.
- HB 405,** relative to the driver training fund.
- HB 409,** relative to licensing professional foresters.
- HB 412,** (New Title) relative to a maximum deduction for compensation for business organizations under the business profits tax.
- HB 416,** establishing a study committee to examine laws relative to children in abuse or neglect cases and making an appropriation therefor.
- HB 419,** to impose a capital gains tax on speculative land sales.
- HB 421,** relative to licensing gas installers.
- HB 424,** relative to enhanced family care facilities and making an appropriation therefor.
- HB 425,** revising the school building aid system.
- HB 426,** establishing the New Hampshire poison information center and making an appropriation therefor.
- HB 430,** relative to licensing and certifying real estate appraisers.
- HB 435,** making an appropriation for health services for young children.
- HB 437,** licensing alarm installers.
- HB 440,** relative to constructing a parking garage in Concord for the legislature and state government personnel and making an appropriation therefor.
- HB 442,** establishing a lakes management and protection program and making an appropriation therefor.
- HB 443,** exempting certain insurance claims adjusters from licensing examinations.
- HB 469,** prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London.
- HB 490,** establishing a speed limit and restricting the use of certain devices on a portion of the Connecticut River.
- HB 504,** relative to public and congregate mooring fields.
- HB 513,** relative to medicare balanced billing.
- HB 514,** regarding notice provisions for additives applied to fresh produce.
- HB 519,** relative to presite built housing.
- HB 520,** permitting nonprofit organizations to erect informational signs along highways.
- HB 524,** requiring insurers to send cancellation notices.
- HB 530,** relative to drug penalties and drug and alcohol education and rehabilitation programs.
- HB 539,** relative to establishing a fund for construction costs of public utilities.
- HB 544,** relative to medical waste.
- HB 552,** relative to assessment of conservation lands.
- HB 557,** relative to restoration and preservation of covered wooden bridges.
- HB 563,** relative to land surveyors and condominiums.
- HB 567,** relative to expenditure of excess moneys by school districts.
- HB 575,** relative to campaign financing.
- HB 583,** relative to the vote required to form or make an annexation to a cooperative school district.
- HB 585,** relative to funding the costs of minimum standards for elementary schools.
- HB 589,** to define "retired state employee" for state employees group insurance purposes.

- HB 591,** requiring grocery stores to mark each packaged item offered for sale with a price.
- HB 592,** relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service.
- HB 596,** limiting personal liability of fire department and emergency rescue services personnel.
- HB 612,** relative to nursing home care costs paid by counties.
- HB 614,** relative to public welfare fraud.
- HB 624,** relative to penalties for violations of motor vehicle laws by minors.
- HB 631,** relative to railroad consolidation with other public utilities or common carriers.
- HB 639,** relative to the disposition of acquired rail properties.
- HB 660,** establishing a statewide conference on families.
- HB 665,** establishing an advisory board on boating.
- HB 669,** prohibiting non-biodegradable single use plastic items.
- HB 670,** relative to public accommodation of physically handicapped persons.
- HB 674,** relative to the community spouse under the Catastrophic Aid Act.
- HB 685,** relative to tenant evictions.
- HB 686,** relative to cable television franchises.
- HB 690,** relative to surplus funds and expenditures by candidates.
- HB 696,** to define public safety hazardous duty employees for New Hampshire retirement system purposes.
- HB 700,** changing the penalty for felonious use of firearms.
- HB 705,** relative to drug-free school zones and increasing penalties for drug offenses.
- HB 716,** to codify certain boating and water safety rules.
- HB 719,** relative to a minimum service retirement allowance for group II members.
- HB 723,** regarding the acid rain control act.
- HB 725,** relative to the highway fund.
- HB 730,** relative to local cease and desist orders for zoning, planning and code violations.
- HB 731,** dedicating the state police barracks in Milford to Major John T. Conti.
- HB 732,** relative to family and catastrophic medical leave standards.
- HB 734,** creating a solid waste landfill reduction and cleanup program.
- HB 745,** relative to the hazardous material transportation advisory board.
- HB 746,** regarding waste reduction and recycling and imposing a disposal fee on certain containers and products.
- HB 756,** relative to a housing appeals board and making an appropriation therefor.
- HB 759,** relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery.
- HBI 2002,** relating to alcohol education programs for DWI offenders.
- SB 57,** (New Title) relative to mandatory recycling for state agencies.

BILLS RE-REFERRED TO COMMITTEE BY SENATE

- HB 250,** relative to the classified personnel system.
HB 350, (New Title) relative to the unclassified personnel system and making an appropriation for a consultant fee.
HB 562, making technical changes in the election laws.

BILLS REFERRED FOR INTERIM STUDY BY SENATE

- HB 213,** relative to water tests for private wells.
HB 436, relative to sewage treatment funds and making an appropriation therefor.
HB 632, relative to the confidentiality of quality assurance records of community mental health centers.
HB 709, relative to use of recording devices by plaintiffs and defendants.
HB 715, relative to a capital improvement plan; the capital budget; and a debt management plan.
SB 41, repealing an exemption from real estate licensing for sale of manufactured housing by manufactured housing park owners.
SB 42, relative to the personnel appeals board.
SB 123, relative to the right to know law.
SB 148, relating to imposing fines for cosmetology practice violations.
SB 198, repealing the anti-CWIP law.

STATUTORY APPOINTMENTS - 1989**HB 38 (Chapter 78:3, Laws of 1989) LOBSTER MANAGEMENT PROGRAM ADVISORY COMMITTEE**

Rep. Albert J. Dionne appointed by House Fish and Game Committee Chairman

Sen. Elaine Krasker appointed by Senate Development, Recreation and Environment Committee Chairman

Rep. Herbert R. Drake (representative New England of Fisheries Management Council) appointed by Fish and Game Committee Chairman

John Nelson, Durham appointed by Executive Director, Fish and Game Department

John Clark appointed by Fish and Game Commission Chairman

Robert Nudd and John Golter appointed by Director, NH Commercial Fisherman's Association

HB 209 (Chapter 153, Laws of 1989) COMMITTEE TO STUDY ACCESSIBILITY OF NURSING HOME CARE IN NEW HAMPSHIRE

Reps. Eleanor H. Amidon and Patricia O. Sanderson appointed by Speaker

Sens. Eleanor P. Podles and Elaine S. Krasker appointed by President

Mary F. Greenberg designee of Administrator, Office of Medical Services

Charles H. Weatherill, Esq., designee of Director, Division of Elderly and Adult Services

Craig Rowley, Dover, NH Health Care Association

Gyme Hardy, Ombudsman

Mrs. Sue MacDonald, Hampton, appointed by Governor

Edmond Duchesne, Director, Office of Health Services Planning and Review

William J. Donovan, Esq., Manchester appointed by NH Bar Association

Howard M. Teaf, III, Merrimack County Nursing Home (alternate: William F. Sturtevant, Rockingham County Nursing Home) appointed by NH Association of Counties

HB 226 (Chapter 394:2, Laws of 1989) COLLEGE SAVINGS PLAN ADVISORY COMMITTEE

Georgie A. Thomas, State Treasurer, Chairman

Reps. Patricia M. Skinner and Eugene Ritzo appointed by Speaker

Sens. George F. Disnard and Thomas P. Magee appointed by President

Ms. Ellen Vars, designee of Governor

John Allen, Bedford; Daniel B. McLeod, Concord and Ms. Mildred Dustin, Concord appointed by Governor

Dr. Edward R. MacKay, Vice Chancellor, appointed by Chancellor, NH University System

David Milliken appointed by Commissioner, Postsecondary Technical Education

Judith Knapp appointed by Executive Director of Postsecondary Education Commission

HB 240 (Chapter 194:2, Laws of 1989) SHOOTING RANGE STUDY COMMITTEE

Reps. Terence R. Pfaff and Paul I. LaMott appointed by Speaker

James Carter, Department of Resources and Economic Development

Richard Patch, Glen, Fish and Game Commission
 Lt. Edmond Cournoyer, Department of Fish and Game
 Captain Sheldon Sullivan appointed by Director, NH State Police
 Chief Alvin Leonard, Lancaster appointed by NH Chiefs of Police Association
 Lt. Col. John J. Weeden, Concord, NH National Guard
 Allen Oldham, Nashua, NH Rifle and Pistol Association

HB 251 (Chapter 307:2, Laws of 1989) COMMITTEE TO STUDY METHODS OF PROMOTING NEW HAMPSHIRE'S BUSINESSES AND PRODUCTS OVERSEAS

Reps. Robert C. Bicknell and Richard W. Tolpin appointed by Speaker
 Sens. Wayne D. King and Charles F. Bass appointed by President
 John E. Burns, Director, Division of Economic Development
 Kenneth Ritchie, Amherst (NHACI) + 1 other to be appointed by BIA
 Warren Henderson, designee of Governor
 William K. Phillips, Concord, appointed by Small Business Administration
 Chairperson of the **Academic Advisory Committee** established in section 5 of this act or designee
 Joseph J. Boyle, Stratham, NH International Trade Association
 Thomas Black designee of Director, NH Port Authority

(Chapter 307:5, Laws of 1989) ACADEMIC ADVISORY COMMITTEE

James Beam, Director, Small Business Development Center
 Associate Dean Gert Assmus, Dartmouth's Amos Tuck School
 1 representative from Franklin Pierce Law Center
 Prof. William Benoit, Plymouth State College
 Evangelos Simos, Professor of Economics, Whittemore School of Business and Economics, University of NH

HB 254 (Chapter 109, Laws of 1989) COMMITTEE TO EXAMINE ISSUES RELATIVE TO THE GREAT PONDS IN THE WHITE MOUNTAIN NATIONAL FOREST, ACCESS TO PUBLIC WATERS, AND CONTROL AND MAINTENANCE OF PUBLIC BOAT RAMP SITES.

Reps. Allen R. Wiggin, Chairman; Robert E. Marston and Carol M. Stamatakis appointed by Speaker
 Sens. Charles D. Bond, George E. Freese and Robert F. Preston appointed by President
 Richard Tichko, designee of Executive Director, Fish and Game Department
 Joseph Quinn, designee, Director, Division of Parks and Recreation
 Neil MacPherson, designee of Director, Division of Public Works
 Delbert Downing, Director, Division of Water Resources and Vernon Knowlton, designee of Director

HB 262 (Chapter 395:2, Laws of 1989) JOINT OVERSIGHT COMMITTEE ON ISSUES REGARDING CHILDREN

Rep. Pamela B. Bean and Sen. Elaine S. Krasker, Co-Chairmen
 Rep. William F. McCain, Sen. Susan McLane and Rep. Irene C. Domini
 Ms. Nancy Baybutt, Concord, designee of Governor
 Effie Malley, Director, Division for Children and Youth Services

Paul H. Lawrence, District Court Justice, approved by Governor and Council

William A. Whitten, Esq., Lebanon approved by Governor and Council

HB 262 (Chapter 395:3, Laws of 1989) COMMITTEE ON PLACEMENTS AND SERVICES

Rep. William F. McCain, Chairman

Reps. Stanley N. Searles (CY&EA) and Lee Anne S. Steiner (APPROP) appointed by Speaker

Sens. Franklin Torr and Elaine S. Krasker appointed by President

1 District Court Justice, nominated by the District Court Judges Association and approved by Governor and Council

Robert Pidgeon, designee of Director, Division for Children and Youth Services

Nancy Geiger, Esq., Canterbury approved by Governor and Council

HB 262 (Chapter 395:4) COMMITTEE ON CUSTODY AND CARE

Sen. Susan McLane, Chairman

Reps. Julie M. Brown and Annette M. Cooke appointed by Speaker

Sens. Rhona M. Charbonneau and Elaine S. Krasker appointed by President

Ms. Gail LeShane, Nashua, appointed by Governor

Angela Parker, designee of Director, Division for Children and Youth Services

HB 262 (Chapter 395:5, Laws of 1989) RSA REVIEW AND COORDINATION COMMITTEE

Reps. Irene C. Domini, Chairman; Debora B. Pignatelli and Elizabeth A. Moore (JUD) appointed by Speaker

Sens. Charles F. Bass, Wayne D. King and William A. Johnson appointed by President

Judith Bell, Esq., designee of Director, Division for Children and Youth Services

HB 300 (Chapter 332:2, II & III, Laws of 1989) COMMITTEE ON ACCESS TO HEALTH CARE

Rep. Toni Pappas, Chairman, appointed by Speaker

Sen. Sheila Roberge appointed by President

Nancy Baybutt appointed by Governor

Edmund Duchesne, Acting Director, Office of Health Services Planning and Review

Robert C. Warren, designee of Insurance Commissioner

Susan J. L. Lombard, designee of Director, Office of Medical Services

William T. Wallace, Jr., MD, Director, Division of Public Health Services

Katharine Eneguess, designee of President, NH Business and Industry Association

Yvonne Nanasi, designee of President, NH Association of Commerce and Industry

Gina Balkus, designee of President, NH Hospital Association (alternate: Bridget York)

Dudley J. Weider, MD, President-Elect, NH Medical Society (alternate: Palmer Jones)

The Committee appointed seven additional members as follows:

Zandy Taft, Blue Cross/ Blue Shield (alternate: Jan Merikanto)

Betsy Frauenthal, Matthew Thornton Health Plan

Chrisinda Lynch, NH Health Care Coalition (alternate: Lester Billings)

Alexander Feldvebel, Esq., NH Legal Assistance

Laura Vincent, WISH Center and Arlene Zachary, Nashua (alternate:

Louise Robbins, Pembroke)

Rep. Patricia Fair, UNH

HB 384 (Chapter 335, Laws of 1989) TASK FORCE TO REVIEW RECOMMENDATIONS OF MANCHESTER AIRPORT AND HIGHWAY STUDY

Sens. Eleanor P. Podles and Rhona Charbonneau (alternates Sens. James R. St. Jean and Sheila Roberge) appointed by President

Reps. Jacquelyn M. Domaingue and William P. Boucher appointed by Speaker

Robert W. Greer, designee of Commissioner, Department of Transportation

Joseph Lowry, designee of Business and Industry Association

William Herman, designee of Resources and Economic Development

Earl A. Rinker, III, Chairman, appointed by Governor and Council

Richard Higgins, Londonderry Ad Hoc Committee for Industrial Development

Robert Griffin, Manchester, appointed by Chairman of Greater Manchester Chamber of Commerce Aviation Committee

Paul J. Dwyer, Manchester, appointed by Manchester Board of Mayor and Aldermen

Ronald Senet, Londonderry, appointed by Board of Selectmen of Londonderry

HB 394 (Chapter 309, Laws of 1989) EMERGENCY RESPONSE FUNDING STUDY COMMITTEE

5 members of the business community appointed by Governor, including 1 representative from the NH Association of Commerce and Industry, Nashua Chamber; 2 representatives from the Business and Industry Association; and 2 members at large with emphasis on small business

Rep. John W. Flanders appointed by Speaker

Sen. David P. Currier appointed by President

Stephen Edwards, Office of the Governor

E. James Daley, designee of Safety Commissioner

Director, Office of Emergency Management or designee

HB 429 (Chapter 291, Laws of 1989) TASK FORCE ON INCREASING PROVIDER PARTICIPATION IN MEDICAL ASSISTANCE

Rep. Stephanie K. Micklon appointed by Speaker

Sen. Susan McLane appointed by President

Ms. Evelyn Dean, Concord, appointed by Governor

Kathleen Sgambati, designee of Commissioner, Department of Health and Human Services

Daniel Kossick designee of Administrator, Office of Medical Services

Charles S. Albano, Chief, Bureau of Maternal and Child Health

Alex Feldvebel, Esq., appointed by Chair, Medical Care Advisory Committee

Dr. Charles Macomber, Concord, designee of President, NH Medical Society

Henry J. Dougherty designee of President, NH Dental Society

1 person to be appointed by the Task Force who is a medical assistance recipient

Mary Bigood-Wilson, Tilton; (alternate: Charlotte Houde-Quimby, Meriden) NH Nurses Association

HB 464 (Chapter 340:2, Laws of 1989) COMMITTEE TO STUDY CURRENT LAWS RELATIVE TO BINGO

Reps. Peter M. Simon, Chairman and Carolyn E. Hynes appointed by Speaker

Sens. Sheila Roberge and Robert A. Stephen appointed by President

Douglas L. Patch, designee of Safety Commissioner

Douglas A. Smith, Chief Deputy Treasurer

Jeffrey W. Spencer, Esq., designee of Attorney General

HB 532 (Chapter 199, Laws of 1989) COMMITTEE TO STUDY THE REVENUE STRUCTURE IN NEW HAMPSHIRE

Reps. Vincent J. Palumbo, Donna P. Sytek, Frederick G. Ahrens, Neal M. Kurk and Paul G. Blacketer appointed by Speaker

Sens. William S. Bartlett, Roger C. Heath, David P. Currier, Sheila Roberge and George F. Disnard appointed by President

HB 546 (Chapter 346:5, Laws of 1989) COMMITTEE TO STUDY RECENT CLOSURE OF SHELLFISH FLATS IN SEACOAST AREA

Reps. David M. Scanlan, Chairman; William H. McCann, Charles H. Felch, Frank J. Palazzo and Charles L. Vaughn appointed by Speaker

Sens. Franklin Torr, Robert F. Preston and Elaine S. Krasker appointed by President

HB 608 (Chapter 239, Laws of 1989) ENERGY FACILITY SITING, LICENSING AND OPERATION STUDY COMMITTEE

Reps. Beverly T. Rodeschin, Charles C. Vogler, David O. Dow and Rick A. Trombly appointed by Speaker

Sens. Wayne D. King, Edward C. Dupont, Eleanor P. Podles and Mary S. Nelson appointed by President

EX OFFICIO MEMBERS:

Commissioner Bruce B. Ellsworth, designee of Chairman, Public Utilities Commission

Michael W. Holmes, Esq., Consumer Advocate

Jonathan S. Osgood, Director, Governor's Energy Office

Timothy Drew, designee of Commissioner, Department of Environmental Services

Ralph Johnson, V. President, Public Service Company of NH and Christopher Flemming, V. President, Gas Supply & Corporate Development appointed by Governor and Council

David K. Foote, Unitil Power Corporation and Keith E. Forester, P.E., Stratham appointed by Governor and Council

Paul Doscher, Society for the Protection of NH Forests and William Abbott, Executive Director, Land Conservation Investment Program appointed by Governor and Council

Paul Cavicchi, Bridgewater Power Corporation appointed by Governor and Council

Richard Lund, First NH Exeter Banking Company appointed by Governor and Council

Harold Turner, Jr., (BIA), Goffstown appointed by Governor and Council

Ex officio members from within and without the state, as requested by at least 5 voting members, who shall be recognized experts in the field of siting, licensing or operating energy facilities

HB 615 (Chapter 178:2, Laws of 1989) WORKERS' COMPENSATION PILOT PROGRAM RELATIVE TO MEDICAL, HOSPITAL AND REMEDIAL CARE.

4 members appointed by Labor Commissioner as follows:

Virginia Long, Newfields, representative of employers

Robert Morneau, Manchester, representative of employees

Thomas Fagan, Bow, representative of Workers' Compensation Insurance Carriers

Merwyn Bagan, MD, Concord, representative of medical, hospital and remedial care providers

Rep. Robert S. Hawkins appointed by the Speaker

Sen. George E. Freese appointed by the President

HB 654 (Chapter 403, Laws of 1989) COMMITTEE TO STUDY PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS IN THE NEW HAMPSHIRE RETIREMENT SYSTEM

Reps. Kathleen W. Ward, Chairman; Richard H. Campbell and Daniel Toomey appointed by Speaker

Sens. Sheila Roberge, Mary S. Nelson and Joseph L. Delahunty appointed by President

HB 658 (Chapter 404, Laws of 1989) COMMITTEE TO STUDY THE LAWS RELATIVE TO DEPOSITIONS

Edward J. Fitzgerald, Belknap County Attorney

Warren Lindsay, appointed by Carroll County Attorney

William M. Albrecht, IV, Esq., appointed by Cheshire County Attorney

Catherine Brungot appointed by Coos County Attorney

John B. Eames, Esq., Grafton County Attorney

Peter McDonough, Esq., Hillsborough County Attorney

Susan A. Alfin, Esq., appointed by Merrimack County Attorney

Robert Ducharme, Esq., appointed by Rockingham County Attorney

Lincoln T. Soldati, Esq., Strafford County Attorney

Lt. William Wilmot appointed by Sullivan County Attorney

Rep. Irene A. Pratt appointed by Chairman, House Children, Youth and Juvenile Justice

Rep. Donnalee M. Lozeau appointed by Chairman of House Judiciary

Sen. Eleanor P. Podles appointed by President

Robert A. Stein, Esq., Manchester and Brian T. Tucker, Esq., Concord
appointed by NH Bar Association
Barry MacMichael, Director, NH Coalition against Domestic and Sexual
Violence and Deanna Crawford, appointed by the Director
Sandra Matheson, Director, Office of Victim/Witness Assistance

HB 693 (Chapter 407:3, II, Laws of 1989) ADVISORY PANEL TO THE NEW HAMPSHIRE PORT AUTHORITY STUDY

Rep. MaryAnn N. Blanchard appointed by Speaker
Sen. Elaine S. Krasker appointed by President
Commissioner, Resources and Economic Development or designee
David E. Hartman, designee of Director, Office of State Planning
Edward Heaphy, Dover (commercial fishing), Richard Holt, Portsmouth
(marine trades), Peter Griffin, Newington (recreational boating) and
Thomas Orfe, Portsmouth (harbormaster) appointed by Director, Port Au-
thority
1 municipal official, appointed by Governor
1 member of Wetlands Board, appointed by Governor and Council
1 environmental scientist, appointed by Governor
Ernest Connor, Director, Port Authority

HB 737 (Chapter 296, Laws of 1989) STATE-CAPITOL REGION PLANNING COMMISSION

Ms. Victoria Zachos, Concord + 1 other Concord area resident appointed
by Governor and Council
Michael P. Connor, designee Commissioner, Administrative Services
Rep. Peter M. Stio appointed by Speaker
Sen. William A. Johnson appointed by President
James C. Smith, City Manager of Concord
Elizabeth S. Hager, Mayor of Concord
Jeffrey Taylor, Director, Office of State Planning
William Klubben, Director, Central NH Regional Planning Commission
Kenneth L. McDonnell appointed by Merrimack County Board of Commis-
sioners
Fred Seekamp, Chairman, Greater Concord Chamber of Commerce or des-
ignee

HB 750 (Chapter 3, Laws of 1989) PEASE AIR FORCE BASE REDEVELOPMENT COMMISSION

George C. Jones, Chairman and Henry M. Powers appointed by Governor
and Council
Eileen Foley and William Wagner, Portsmouth appointed by Mayor and City
Council
John R. Mazeau and Peggy Lamson appointed by Newington Board of Se-
lectmen
John W. Byrne appointed by President
Ted Mueller appointed by Speaker

HB 755 (Chapter 298:3, Laws of 1989) COMMITTEE TO STUDY SHORELINE PROTECTION

Members designated in paragraph I (a)-(f) appointed by Governor:
(a) Frank Gordon, New Hampshire Lakes Association

(b) Marcy Lyman, River Management Advisory Committee, established in RSA 227-F:8

(c) Mary Jane Gratsky, NH Association of Regional Planning Commissions

(d) A member each from the following state agencies which may be a Commissioner, Director or designee of the board thereof:

(1) Beth Patrino, designee of Commissioner of Environmental Services

(2) Joseph Quinn, Director, Division of Parks and Recreation

(3) Charles Thoits, Department of Fish and Game

(4) Jeffrey Taylor, Director, Office of State Planning, Chairman

(5) Ernest Connor, Director, State Port Authority

(e) 1 member nominated by NH Municipal Association who is an elected municipal officer from each of the following:

(1) James F. Hughes, Meredith Selectman

(2) Stephen Blackmer, Concord City Councilor

(3) Margaret Lamson, Newington Selectman

(f) Diane Langlois, NH Home Builders Association

(g) Reps. Leonard A. Smith and Steven R. Maviglio appointed by Speaker
Sens. Charles D. Bond and Robert F. Preston appointed by President

HB 758 (Chapter 202, Laws of 1989) IMPACT FEE STUDY COMMITTEE

Reps. Karen O. Wadsworth, Chairman, James D. Phelps and Susan S. Spear appointed by Speaker

Sens. William S. Bartlett, James R. St. Jean, and David P. Currier appointed by President

Robert L. Wheeler, President, NH Municipal Association

Mrs. Linda Theroux, President, NH School Boards Association

Sandy LaMontagne, President, NH Home Builders Association

David Roby, Lyme, selected by NH Association of Regional Planning Agencies

Jeffrey Taylor, Director, Office of State Planning

HB 764 (Chapter 408:86, Laws of 1989) MENTAL HEALTH AND DEVELOPMENTAL SERVICES STUDY COMMITTEE

Reps. Elizabeth Hager, Joanne A. O'Rourke, Theodora P. Nardi and Douglas E. Hall appointed by Chairman of House Appropriations

Sens. Ralph D. Hough and Eleanor P. Podles appointed by Chairman of Senate Finance

HB 764 (Chapter 408:88, Laws of 1989) DATA PROCESSING AND COMPUTER MANAGEMENT STUDY COMMITTEE

Reps. Douglas E. Hall and Kenneth A. Randall appointed by Speaker

Sens. Edward C. Dupont and Robert F. Preston appointed by President

George C. Jones, Commissioner, Department of Administrative Services, Chairman

Lou Chiesa, Exeter and Al Ganz, Concord appointed by Governor

SB 30 (Chapter 206, Laws of 1989) COMMITTEE TO STUDY ALL ASPECTS OF THE EFFECT ON CONSUMERS OF EMERGING CHANGES IN THE FINANCIAL SERVICES INDUSTRY

Sens. Edward C. Dupont, Elaine S. Krasker and Joseph L. Delahunty appointed by President

Reps. Leo W. Fraser, David O. Dow and William Tsiros appointed by Speaker

SB 69 (Chapter 364, Laws of 1989) HOME MORTGAGE GUARANTEE AUTHORITY STUDY COMMITTEE

Louis E. Bergeron, Insurance Commissioner, Chairman

Georgie A. Thomas, State Treasurer

Rep. Richard H. Krueger appointed by Speaker

Sen. George E. Freese appointed by President

1 representative from the mortgage insurance industry appointed by Governor

Paul T. Pouliot, CMB, appointed by Mortgage Bankers Association

Claira Monier, Executive Director, NH Housing Finance Authority

SB 71 (Chapter 368:2, Laws of 1989) COMMITTEE TO STUDY THE FEE STRUCTURE AND ASSESSED VALUATION FOR THE REGISTRATION OF BOATS

Sens. Charles D. Bond, Roger C. Heath and James R. St. Jean appointed by President

Reps. Herbert R. Drake (F&G), Richard L. Haynes (TRANS), Howard C. Dickinson, Chairman, John B. Young, Mary Ann Lewis, Clerk (RR&D) and Albert J. Dionne and John T. Flanders appointed by Speaker

Ellen Arnold, Frankestown, appointed by Governor

Douglas L. Patch, designee of Commissioner, Department of Safety

Ernest Connor, Director, Port Authority

Stephen D. Durgan, President, NH Marine Dealers Association

SB 73 (Chapter 369, Laws of 1989) COMMITTEE TO STUDY TAXING ALL TOBACCO PRODUCTS

Sens. David P. Currier, Chairman; Susan McLane and Robert A. Stephen appointed by President

Reps. Vicki Stachowske, Vice Chairman; Robert Ouellette and Robert C. Hayes (W&M) appointed by Speaker

Warren E. Emley, MD, designee of Governor

NONVOTING MEMBERS:

Edward Dame, designee of Commissioner, Department of Revenue Administration

John W. Mitchell, Esq., (tobacco industry) appointed by Governor

Emile Tetu, Manchester (cigar industry) appointed by Speaker

Richard Kirchhoff, Washington, DC (smokeless tobacco industry) appointed by President

Robert O. Wilson, DDS., Concord (medical profession) appointed by Speaker

John Dumais, President, Retail Grocers' Association appointed by Senate President

SB 82 (Chapter 372, Laws of 1989) JUDICIAL VESTING AND RETIREMENT COMMITTEE

Reps. Caroline L. Gross and Kathleen W. Ward appointed by Speaker

Sens. William S. Bartlett and Clesson J. Blaisdell appointed by President William R. Johnson, Associate Justice designee of Chief Justice of Supreme Court

SB 89 (Chapter 376:3, Laws of 1989) COMMITTEE TO STUDY INSURANCE AND MEDICAL BENEFITS FOR RETIRED STATE EMPLOYEES

Reps. Gerard E. Powers, Chairman; Kenneth J. MacDonald (ED&A) and Janet R. Pelley (APPROP) appointed by Speaker

Sens. Ralph D. Hough and Rhona M. Charbonneau appointed by President

Sen. Clesson J. Blaisdell, Senate Finance, appointed by President

Ralph Brickett, Bow, appointed by Governor

SB 108 (Chapter 383, Laws of 1989) SKYHAVEN AIRPORT ADVISORY COMMITTEE

Richard Green, Mayor of Rochester

Mayor of Dover or designee

Mayor of Somersworth or designee

Rep. Roland A. Frechette appointed by Speaker

Sen. Edward C. Dupont appointed by President

1 business and industry person appointed by Governor and Council

Luke A. Smith, Laconia, Skyhaven Airport, ex officio member

1 resident of Strafford County, who shall be appointed by other 6 voting members of Commission at its first meeting

SB 113 (Chapter 393, Laws of 1989) COMMITTEE TO EXAMINE MEDICAID COVERAGE OF DENTAL BENEFITS FOR ALL CATEGORICALLY ELIGIBLE RECIPIENTS

Reps. Elizabeth Hager (APPROP), Alice S. Ziegra and Marion L. Copenhagen appointed by Speaker

Sens. Clesson J. Blaisdell, Eleanor P. Podles and Rhona M. Charbonneau appointed by President

Charles Zumbrunner, DDD, Concord designee of Commissioner, Health and Human Services

Dennis P. Pellegrino, DDS, Walpole designee of Executive Director, NH Dental Society

Deborah Ruhe, Medical Care Advisory Committee, appointed by Commissioner, Health and Human Services

SB 152 (Chapter 281:2, Laws of 1989) COMMITTEE TO REVIEW TRAFFIC PROBLEMS ON NEW HAMPSHIRE ROUTE 16 AND U.S. ROUTE 302 IN THE MOUNT WASHINGTON VALLEY AREA

Reps. Gene G. Chandler, Chairman and Nanci A. Allard appointed by Speaker

Sens. Charles D. Bond and Franklin Torr appointed by President

Robert S. Morrell, North Conway, appointed by Governor

SB 153 (Chapter 390:2, Laws of 1989) COMMITTEE TO STUDY AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Reps. Shirley M. Bennett (HHS&EA), Julie M. Brown (CY&JJ), Lee Anne S. Steiner (APPROP) appointed by Speaker

Sens. Ralph D. Hough and Rhona M. Charbonneau appointed by President

Kathleen Sgambati, designee of Commissioner, Department of Health and Human Services

John Farrell, Peterborough (business member); Ms. Brenda Parker-Emerson, Manchester (AFDC recipient); Mrs. Colleen Lang, Manchester (public member) appointed by Governor

Ms. Pat Nelson (nonprofit organization) appointed by Commissioner, Department of Health and Human Services

SB 189 (Chapter 387:2, Laws of 1989) NASHUA PASSENGER RAIL ADVISORY COMMITTEE

Sen. Mary S. Nelson appointed by President

Rep. Francis M. Donovan appointed by Speaker

John W. Clement, designee of Commissioner of Transportation

Councilor Bernard A. Streeter

David Boesch, designee of Mayor of Nashua

Joseph Goodman, designee of Chairman, Nashua Regional Planning Commission

1 representative of Nashua Downtown Development Corporation, appointed by Governor and Council

J. Cameron Stuart, NH Association of Commerce and Industry, appointed by Governor and Council

Andrew Motter and Thomas Greenman + 1 other from Commuter Rail Advisory Committee appointed by Governor and Council

Fred Snider (Hudson), Lee Mayhew (Milford), Antone Holevas (Merrimack), Cynthia Bustinduy (Hollis), Rep. Elizabeth D. Lown (Salem) + 1 from Litchfield and 1 from Amherst of the surrounding communities' governing bodies, being Amherst and Londonderry appointed by Governor and Council

1 representative from Gilford Transportation Industries, appointed by Governor and Council

Sen. Thomas P. Magee designee of President, Nashua Board of Aldermen

RSA 17-O LEGISLATIVE OVERSIGHT COMMITTEE ON DATA PROCESSING (established by HB 764, Chapter 408:3, Laws of 1989)

Sens. Edward C. Dupont and George F. Disnard appointed by President

Rep. Caroline L. Gross and Ralph J. Rosen appointed by Speaker

RSA 362-B:4 NEW HAMPSHIRE ENERGY AUTHORITY (established by SB 205, Chapter 124, Laws of 1989)

BOARD OF DIRECTORS:

Kenneth Ritchie, Amherst appointed by Speaker

1 member appointed by President

Stuart F. Silloway, Rye Beach; John Tillinghast, Portsmouth and Patrick Oliver, Kensington appointed by Governor and Council

RSA 404-E:2 ENVIRONMENTAL RISK INSURANCE POOL IMPLEMENTATION BOARD (established by HB 433, Chapter 311, Laws of 1989)

Louis E. Bergeron, Commissioner, Insurance Department

1 representative of a NH business association appointed by Governor

1 member of NH Municipal Association appointed by Governor

Douglas A. Smith, Chief Deputy State Treasurer

Rosemary Glidden (CPCU), Greenland, appointed by Insurance Commissioner

Rep. David B. Wright appointed by Speaker

Sen. Sheila Roberge appointed by President

1 member of general public appointed by Governor and Council

1 member from NH Bar Association to serve in a non-voting capacity appointed by Governor

**RSA 664:5-c ADVISORY COMMITTEE TO MONITOR APPLICATION OF
FEDERAL AND NEW HAMPSHIRE CAMPAIGN FINANCING
STATUTES (amended: SB 178, Chapter 212:8, Laws of 1989)**

William M. Gardner, Secretary of State

Rep. Carol H. Holden appointed by House Majority Leader

Rep. Cynthia A. McGovern appointed by House Minority Leader

Sen. Charles F. Bass appointed by Senate Majority Leader

Sen. Wayne D. King appointed by Senate Minority Leader

RESIGNATIONS, DEATHS, ELECTIONS**Resigned**

01/04/89	Hills. 26	Rousseau, Lucien G., Jr., d&r
02/01/89	Graf. 10	Rounds, Bruce C., r
03/01/89	Hills. 28	Hidalgo, Hector J., d
03/14/89	Hills. 20	Jones, Michael E., r
07/14/89	Hills. 23	Hatch, William H., r&d
08/10/89	Hills. 46	Racicot, Rachel I., r
08/16/89	Hills. 25	Long, Linda D., d
09/01/89	Belk. 3	White, James J., r
09/14/89	Hills. 24	Guilbert, Lionel, d

Deceased

12/30/88	Hills. 13	Granger, Guy R., r
03/18/89	Hills. 17	Eaton, Clyde S., r
05/16/89	Merr. 17	Manus, Mark E., r
07/29/89	Hills. 41	Genest, Fernand A., d

Special Elections:

District	Took Oath
Graf. 10	Shackett, Ralph E., r 4/05/89
Hills. 26	Andrews, Frederick B., r 4/26/89
Hills. 13	Flood, Jacqueline J., d 4/26/89
Hills. 17	Hanselman, Gregory L., i 8/02/89

400 State Representatives

R - 241	R&D - 34	275
D - 86	D&R - 29	115
I - 1	1	

Currently elected and qualified: 391

Vacancies due to: 2 deaths

7 resignations

HOUSE JOURNAL

SUBJECT INDEX

This index refers to bills and resolutions by number. Other subject matter is indexed to page numbers.

The numerical index following this index gives page references for all action on numbered bills and resolutions

A

Abortion

- minors, parental consent requiredSB 136
- appeals to district courtHB 510
- policy statement; criminal penalties repealedHB 377

Abutters

- highway alteration, hearing, notice time increasedHB 316
- notified of waiver requests in applications for subdivisions and disposal systems.HB 46

Academic advisory committee, expertise to committee studying export of NH products. . . .HB 251

Accidents

- aircraft, false reports, penaltyHB 241
- boats, arrest without warrant; reportsHB 112
- railroads, notification to transportation commissioner; rulemakingHB 52

Acid rain control programHB 723

Acquired immune deficiency syndrome. See: AIDS

Actions and proceedings

- attorney's fees and costs to prevailing party in tort actions; waiversHB 474
- child abuse or neglect, district court dismissal considered final dispositional order;
 - appeal to superior court.HB 455
- civil
 - attorneys causing delays to pay costsHB 72
 - against town officials, plaintiffs to pay costs and fees if action determined frivolous or
 - intended to harassHB 449
 - co-employee tort immunity reaffirmedHB 681
 - damages, joint and several liability, pollution liability not limited.SB 110
 - enhanced damages in civil suits against intoxicated driversHB 564
 - governmental units, limitation reduced to 3 yearsHB 298
 - health care facilities and personnel, tests ordered by law enforcement officer, liability
 - limitedHB 221
 - involving real estate, same use continued pending judgmentHB 73
 - minor victims in cases of abuse or assault, statements not excluded, conditions.HB 359
 - workers' compensation, frivolous actions, penaltiesHB 116
 - wrongful death, damages, elements to be considered, limitation increased.HB 367

Acute care bed needs, studySB 120am

Adjutant general, capital improvements appropriation.HB 100

Administrative services

- 1989 appropriation reducedHB 762
- assistant commissioner to be budget directorHB 273
- capital improvements, appropriationHB 100
- certain employees prohibited from employment with vendorsHB 50
- cost containment unit, indigent defense eligibility and repaymentsHB 518
- management of court facilitiesSB 81
- recycled paper program, for state agencies.HB 733
- revolving funds, 1989, appropriation reducedHB 762
- waste reduction and recycling program, mandatory for state agencies; costs offset by
 - generated fundsSB 57

Adoption, information about fees and birthparents filed with probate courtHB 651

Adult

- competent, guardians nominated in case of future incapacityHB 238
- program special needs allowance; appropriationHB 334

Adultery decriminalizedHB 18

Advertising potatoes, all price quotes must include gradeHB 16

Aerial lift safety, additional appropriationHB 777

Aeronautics

- aircraft operated by the state, logbooks; public inspectionHB 667
- commission
 - airports, various capital improvements appropriations extendedHB 100am
 - Skyhaven airport, 1985 capital improvement appropriation, general obligation bonds; conditionsHB 100am
- director, purchase of airports; fees in lieu of taxes, penalty provisionsHB 241
- division
 - Berlin and Whitefield airports, automatic weather observation systems, appropriationHB 235
 - capital improvements appropriationHB 100
 - Dillant-Hopkins airport, Swanzey, improvements appropriationHB 352

Affordable housing, town ordinances overridden by housing finance authorityHB 548

African Development Bank, investments by banks, insurance companies, and retirement systemHB 355

Agricultural experiment station

- 1989 appropriation reducedHB 762
- additional appropriationHB 777

Agricultural fairs

- alcoholic beverage license fee increasedHB 764
- distribution, additional appropriationHB 777

Agriculture

- cat and dog breeders license required for saleHB 307
- cats, rabies vaccination requiredHB 64
- commissioner
 - dairy cases identified, deposits; penalties; rulemakingHB 607
 - rulemaking, grocery stores, price marked on each itemHB 591
- cord measurement and certification repealedHB 15
- department
 - additional appropriationHB 777
 - capital improvements appropriationHB 100
 - Eastern States exhibition building repairs, appropriationHB 57
 - inspection of apiaries and prevention of colony contamination, appropriationHB 58
 - milk sanitation board, milk standards set by ruleHB 146
 - pesticide control board, rules, mandatory public hearing eliminatedHB 12
 - pesticides disposal program for farmersHB 56
 - weights and measures, annual testing requirement deleted; training of inspectors; enforcement powers; rulemaking; administrative finesHB 88
- domestic animals, diseased, law and rule violations, administrative finesHB 65
- equine infectious anemia, positive reactors, quarantine, freeze marking, rules, administrative finesHB 63
- feeding raw garbage to swine prohibited; animals quarantined, administrative finesHB 117
- implements of husbandry, redefined in motor vehicle lawsHB 103
- livestock auctions and shipping violations, administrative finesHB 62
- potato advertising, all price quotes must include gradeHB 16

AIDS

- kidney dialysis patients tested forHB 453
- prevention, additional appropriationHB 777
- suspected unprotected exposure of emergency care providers, notification to medical referral consultantsSB 87
- tenants, eviction prohibitedHB 237
- victims, committee to locate temporary housingHB 647

Air

- pollution control
 - motor vehicle emissions, annual inspectionsHB 216
 - special fund, from additional motor vehicle registration feeHB 764
- quality emission standards and ash monitoring for waste and energy facilitiesHB 689

- Air (cont.)**
 - resources director
 - nominated by environmental services commissioner after consultation with council . . . HB 68am
 - rulemaking authority HB 67
- Aircraft**
 - antique defined; fees and penalties HB 241
 - financial responsibility act HB 133
 - state owned or operated, logbooks kept, public inspection HB 667
- Airports**
 - Berlin and Whitefield, automatic weather observation systems; appropriation HB 235
 - condemnation or lease, appropriation SB 134
 - Dillant-Hopkins in Swanzy, improvements appropriation HB 352
 - lounges, alcoholic beverage license fees increased HB 764am
 - Manchester
 - bonds issued by industrial development authority for capital improvements HB 509
 - study, task force to implement HB 384
 - privately-owned, sale, state to have first refusal; property tax base sharing agreements . . . HB 241
- Alarm installers**, licensed by electricians board HB 437
- Alcohol**
 - and drug education, office, drug-free school act HB 545
 - crisis center certified to accept juveniles, home detention HB 140
 - drug and AIDS counselors, outreach program, Hampton Beach and Weirs Beach HB 418
 - education
 - 1989 appropriation reduced HB 762
 - reduction of recidivism, study HBI 2002
- Alcohol and drug abuse**
 - education funded from driver training fund surplus HB 405
 - minors, operator's license denied or revoked HB 168
 - prevention
 - 1989 appropriation reduced HB 762
 - additional appropriation HB 777
 - appropriation, expenditure of funds, study HB 439
 - comprehensive drug education program, rulemaking with state board of education HB 705
 - rehabilitation programs jointly with state board of education, special fund HB 530
 - treatment program
 - corrections department, appropriation SB 97
 - corrections department, appropriation reduced HB 769
 - prisoners, funded from drug forfeitures SB 187
- Alcoholic beverages**
 - additional tax for municipal capital improvements fund HB 395
 - caterers serving outdoors on private property HB 13
 - driving under influence. See: Motor vehicles, DWI
 - hotels and restaurants, service areas expanded; caterers, special license for approved
 - public buildings SB 94
 - house parties for minors prohibited HB 684
 - laws, study extended HB 178
 - licenses and permits, fees increased HB 764
 - malt, keg purchase forms HB 274
 - open containers, transporting prohibited, exceptions HB 214
 - operating aircraft under influence, penalty HB 241
 - persons under 21, mandatory fine for misrepresenting age; keg purchase forms HB 274
 - prohibited on ski trails, ski lifts, and aerial tramways HB 217
 - representatives and sales agents, displays and promotions in liquor stores and premises of
 - permit holders SB 24
 - state stores
 - Charlestown HB 724
 - Nashua and Berlin, supplemental appropriation, charged against capital reserve fund . . . HB 762
 - Walpole, air conditioning appropriation SB 1
 - surcharge to fund alcohol and drug abuse education and rehabilitation HB 530
 - tax increased for substance abuse prevention, treatment, and rehabilitation HB 439
 - wholesale permits to certain felons, in-state conviction provision removed HB 29
 - wine, discounts and credit terms for on-sale licensees HB 652
- All terrain vehicles**, certain registration fees for summer use trails and facilities HB 287

Alpine slides , alcoholic beverage license fee increased	HB 764
Alvirne high school granite challenge championship team, res honoring	HR 26
Alzheimer's disease	
informational booklet prepared by elderly and adult services division	HB 295
respite care, maximum increased	HB 296
Ambulances , emergency rescue services personnel, personal liability limited	HB 596
American Legion posts , assisted by 18 year old Sons of the American Legion in conducting bingo games	HB 464
Amusement parks , firearms and knives as prizes prohibited	HB 366
Anabolic steroids prohibited except for medical purposes	HB 264
Anatomical gifts , medical and dental schools, responsibility for transportation and preservation	HB 748
Animals	
abused or neglected, temporary protective custody	HB 201
cruelty to, livestock events, withholding food or water	HB 576
Antenna towers , taxed as real estate, local option	HB 243
Antique aircraft , definition	HB 241
Antique cars	
inspected annually	HB 103
number plates issued same year as car	HB 236
Apiaries , inspection by agriculture department, appropriation	HB 58
Appropriations	
1989, additional reduction	HB 762
additional, operating budget	HB 777
capital improvements	HB 100
reduced if revenue is less than estimated	HB 100
line item veto	CACR 2
operating budget, 1989	CACR 16
supplemental, 1989	HB 200
supplemental, 1989	HB 762
Architects board	
size increased; roster mailed to residents only; license expiration and renewals, time changed	SB 43
supplemental appropriation	HB 762
Architectural barrier free design code , new public buildings	HB 100
Archivist , state, microfilming of public records	HB 402
Arrest , without warrant, additional provision	HB 158
Arson , buildings reconstructed to same specifications, hardship exemptions	HB 743
Arts council	
acceptance of restricted gifts	HB 102
arts development program; appropriation	SB 175
Asbestos management , violations, penalties increased	SB 64
Ash monitoring program and air emission standards	HB 689
Ashuelot Valley refuse disposal district, agreement legalized	HB 701
Assault	
boats, operating while intoxicated, alcohol concentration replacing blood alcohol content	SB 14
simple, on law enforcement officer, mandatory penalty	HB 276
Athletes , steroids, use, penalty	HB 264
Attorney client privilege extended to guardian ad litem and child	HB 523
Attorney general	
additional appropriation	HB 777
assistants, employment, approval of fiscal committee	HB 764
capital improvements appropriation	HB 100am

Attorney general (cont.)

- charitable trusts filing fees
 - changedHB 764am
 - restricted revenueHB 200
- victims' assistance program, rulemakingHB 578

Attorneys

- delaying civil actions, to pay costsHB 72
- fees and costs to prevailing party in tort actions; waiversHB 474
- indigent defendants
 - additional appropriationHB 777
 - investigative services authorized by district courtsHB 114
 - repayments to cost containment unit, administrative services; appropriationHB 518
 - supplemental appropriationSB 4

HB 762

- Auctioneers board**, membership; business practicesHB 335

Automated information systems board, membership, state librarian to replace

- commissionerHB 102

- Automatic telephone dialing system**, registration with consumer protection bureauHB 373

- Autopsies**, maximum cost to countiesHB 619

B

- Baccalaureate education system trust**, advanced tuition payments for NH institutionsHB 392

Bad checks

- bank to penalize issuer not depositorHB 491
- less than \$500, penalty reduced; appearance of bank official not requiredHB 584

Bail and recognizances

- bondsmen, regulation transferred from insurance commissioner to securities regulation
 - directorHB 43
- commissioners' fee increasedHB 175
- controlled drug offenses, presumption of danger to public safety; cash bail or bondHB 321
- law, studyHB 759
- release pending trial or appeal, criteria; bail jumping penalties changedHB 388
- when allowed; 10% bail; conditions signed by detainee, no hearingSB 196
- when allowed; 10% bail; conditions signed by detainee, no hearingHB 738

- Ballrooms**, alcoholic beverage license fee increasedHB 764

Banks

- bad checks under \$500, penalty reduced; appearance by bank official not requiredHB 584
- checks, insufficient funds, penalties against issuer not depositorHB 491
- effects of changes on consumers, studySB 30
- examination costs, payment time increasedHB 323
- qualified public depositories, collateral, reports, procedure on lossHB 561
- service charges to minors, prohibitionHB 343

- Barbering**, cosmetology, and esthetics board, membership; definitions; licensesSB 174

- Barbers**, qualifications, completion of high school requiredSB 174

Barnstead-Pittsfield

- cooperative school district dissolvedHB 446
- regional solid waste cooperative agreement legalizedSB 121

- Barrington**, Swains Lake water district, sale to of state land on Stadig RoadSB 48

- Bear Brook state park**, CCC buildings, rehabilitation studyHB 256

- Beaver Brook** flood control project repealedHB 22

Beer. See: Alcoholic beverages, malt**Bees**, inspection of apiaries and prevention of colony contamination by agriculture

- department, appropriationHB 58

Belknap

- county
 - commissioners, elected by districtHB 230
 - low-income children, health servicesHB 435
 - recreational area, borrowing in anticipation of revenuesHB 765

Belmont

- highway reclassifiedHB 182
- transportation corridor, community oriented planning studyHB 305

Benton, Rep. Richardson, reading of poem, "The Great Men on the Wall"1156-1157

Berlin

- airport, automatic weather observation system; appropriation.HB 235
- vocational technical college
 - additional appropriationHB 777
 - residential specialist program, appropriationHB 581am

Berry, Rev. Dawn, guest chaplain202

Beverage containers, recyclingHB 627
 HB 747

Big Island Pond, Derry, Atkinson, and Hampstead, ski craft prohibitedSB 86

"**Bill's in Trouble**", poem attributed to the *Denver Post*, read by Rep. Kidder1156

Bills and resolutions, policy for distribution to citizensHR 7

Bingo

- additional appropriationHB 777
- charitable organizations
 - 4 big game events per year; limitations; 5% tax on proceedsHB 441
 - sons and daughters 18 may assistHB 464
- inspector, Mary Elaine Crowley, compensation and reinstatement for unjustified
 - terminationHB 331
- senior citizens, prize value increasedHB 336

Black liquor, storage, town approval; notice; penalties; exceptionsHB 634

Blind

- aid to needy, supplemental appropriationHB 762
 SB 4
- elderly, independent living programHB 138
- operation of vending machines on interstate highwaysHB 69
- vocational rehabilitation services, 1989 appropriation reducedHB 762

Block grants, child care servicesSB 133

Boats

- additional registration fee for fish and game search and rescue fundHB 764am
- and boat trailers, registration surcharge to public access to public waters fundHB 427
- auxiliary marine patrol; penalties reduced; accident reports; noise levels, stationary
 - testingHB 112
- boating advisory boardHB 665
- launching ramps and parking areas
 - maintenance by DREDHB 620
 - responsibility for in White Mountain national forest, studyHB 254am
- launching sites, Wallop-Breaux federal funds, use for maintenance restrictedHB 286
- marine patrol, volunteer programHB 317
- moorings
 - public and congregate, approval transferred to safety servicesHB 504
 - removal for violations, owner may appeal within 5 daysSB 71
 - without proper decals, removal by safety services directorHB 111

motor

- horsepower limitation increased on Spectacle Pond, Enfield and GraftonHB 304
- horsepower limited on Indian Pond, OrfordHB 222
- horsepower restricted on Christine Lake in StarkSB 7
- horsepower restricted on Upper Kimball Pond in ChathamHB 154
- internal combustion, prohibited on Willand Pond, Somersworth and DoverHB 28
- operating restrictions on public waters, committee to review, hearingsHB 582
- petroleum powered, limited to 30 hp on Bradley Lake, AndoverHB 206
- petroleum powered, prohibited on Waukeena Lake, DanburyHB 207
- petroleum powered, prohibited on Wilson Pond, SalemSB 86
- sale and delivery of fuel, report repealedHB 103
- speed limited on Connecticut River between Ledyard Bridge in Hanover and 3 miles
 - north; exceptionsHB 490
- speed limited on Indian Pond, OrfordHB 222
- speed limited on Spofford Lake in ChesterfieldSB 39

Boats (cont.)

motor (cont.)

speed limits posted at launching sites on Connecticut River	SB 40
violating decibel limits, mandatory minimum fine	SB 95
numbering fees for harbor management fund	HB 693
operating while intoxicated, alcohol concentration replacing blood alcohol content	SB 14
personal watercraft defined, rulemaking and hearings by safety department	HB 703
registration fees	
increased	HB 211
safety services to study	HB 693
safety rules codified	HB 716

Boilers and pressure vessels, inspection fee increased.	HB 764
--	--------

Bonds, revenue

acquisition of airport properties	SB 134
amount sold at discount, formula for determining	HB 751
capital improvements appropriation	HB 100
dam maintenance fund, authorization increased	HB 100
Eastern NH turnpike exit 10 construction	SB 33
Hampton beach steel seawall replacement, 50% retired from parking fees	HB 32
highway surplus account reimbursed for Cornish-Windsor bridge reconstruction	SB 58
industrial development authority for improvements to Manchester airport	HB 509
Lamprey regional solid waste cooperative, for landfill construction	HB 459
lease-purchase agreement for Franklin district court	HB 329
NH energy authority	SB 205
Portsmouth district court purchase	SB 96
public access to public waters fund	HB 427
school building authority	HB 425
sewer interceptor construction, Swanzey	HB 303
sweepstakes fund	HB 400
towns or school districts, vote required, 60%	HB 452
towns over 10,000, preliminary hearing	HB 468

Bondsmen, regulated by securities regulation director	HB 43
--	-------

Bottle bill, recycling beverage containers	HB 627
	HB 733
	HB 747

Bottled water, definitions, testing, labeling	HB 534am
--	----------

Bottom ash, recycling uses, study	HB 680
--	--------

Boundary lines, towns, survey by certified land surveyor instead of perambulation	HB 170
--	--------

Bow, hunting, weapons limited to shotgun, muzzle loading rifle, or bow and arrow in	
specified portion of town	HB 27

Bowling lanes, alcoholic beverage license fee increased.	HB 764
---	--------

Boxing and wrestling matches, closed circuit television, tax on admissions	HB 403
---	--------

Bradley Lake, Andover, petroleum powered boats limited to 30 hp.	HB 206
---	--------

Brain damage, head injury information registry.	HB 697
--	--------

Brain-injured, head injury advisory council.	HB 577
---	--------

Breath analyzer machines committee, alcohol concentration replacing blood alcohol	
content	SB 14

Brentwood, route 101 to Exeter, reconstruction priority	SB 151
--	--------

Bridges

covered, standards for restoration; demolition prohibited, exceptions	HB 557
Hooksett, study by transportation department	HB 193
joint committee on highway and bridge plan oversight	SB 19
state aid, additional appropriation	HB 777

Brock, David, C.J.

invited to address joint convention	HCR 6
state of the judiciary address	395-399

Brokerage firm assistance for town trust funds	HB 566
---	--------

Brown, Ralph, property in Rye surrounded by Odiorne Point state park, purchase appropriation	HB 279
Budget	
capital improvements; reduced if revenue is less than estimated	HB 100
operating, 1989	HB 200
additional appropriations	HB 777
supplemental	HB 762
Building codes	
board of appeals, administrative official and decision defined	HB 472
minimum requirements; national codes adopted by reference	HB 473
violations, cease and desist orders	HB 730
Buildings	
destroyed by arson, reconstructed to same specifications, hardship exemptions	HB 743
new, water conservation, plumbing requirements	HB 481
newly constructed, tax appraisal	HB 673
public, new, code requirements	HB 100
unsanitary, removal of nuisances, liens to cover costs	HB 597
Bumper stickers, obscene, prohibited	HB 684
Burns, Rep. Harold W., deputy speaker	11
Business	
and Industry Association of NH, res honoring	HR 16
and voluntary corporations, deleting repealed provisions	HB 503
organization redefined, unrelated business income from religious, charitable, and educational organizations taxable	HB 422
profits tax	
compensation over \$100,000 added to gross profits	HB 412
credits for sale of conservation or recreation land to state	SB 141
deductions, operating loss carryover	HB 234
gross profits, method of apportionment changed	HB 391
increased	HB 422am
increased through sale of beneficial interest in business organization	HB 414
or industry, environmentally hazardous or nuisance, siting in town, local option	HB 526
Businesses	
and products, NH, promoting export trade, study	HB 251
good student discounts	HCR 5
C	
Cabins, seasonal defined for purposes of determining overtime compensation	HB 191
Cable television franchises	
public hearing, copy to secretary of state	HB 434
required to offer one NH commercial station	HB 686
Callahan, Leo J., elected assistant clerk	12
Campaign financing	
expenditures and contributions voluntarily limited, filing fee waived or refunded	SB 178
expenditures voluntarily limited, filing fee waived	HB 575
fund, eligibility and limitations	HB 415
Campbell, Rev. Bernard J., benediction	46
Campgrounds	
definition includes boats used as temporary living quarters	HB 616
requirements and guidelines	HB 492
Camps	
owners' association, right of first refusal before sale of land	HB 153
recreational, license fee increased	HB 764
Canaan Street Lake, Canaan, ski craft and hovercraft prohibited	HB 353
Canada, doing business in NH, trade agreement	HB 708
Cancer victims, committee to locate temporary housing	HB 647
Candia, Raymond bypass on route 101, funds lapsed to highway fund	SB 150

- Cannon Mountain**
 - capital improvements appropriation.HB 100
 - mountain manager to replace superintendentHB 157
- Capital budget**, components, procedure for adoption.HB 715
- Capital gains tax**, speculative land salesHB 419
- Capital improvements**
 - 10 year plan, long range capital planning and utilization committeeHB 715
 - appropriations; reduced if revenue is less than estimatedHB 100
 - impact fees.HB 588
- Capital projects**, lease purchase exception from competitive bidding removed.HB 252
- Capital reserve fund**
 - lapsed into general fund; use of excess general fund revenue in lieu of bonds.HB 762
 - nonlapsing, appropriation.SB 172
- Cardigan state park** improvements appropriationHB 354
- Carl Perkins federal grant**, 30% to postsecondary vocational technical education department.HB 90
- Carnival-amusement operators**, firearms and knives as prizes prohibited.HB 366
- Carroll**
 - Cherry Mountain Road reclassified.HB 182
 - county attorney, private practice restricted to civil law.HB 313
 - county courthouse, 1987 capital improvements appropriation extendedHB 100am
- Catastrophic aid**
 - federal act, spousal impoverishment provisions administered by human services division . .HB 674
 - special education
 - distributed on pro rata basis.HB 260
 - supplemental appropriationHB 762
- Catastrophic costs**, special education, additional appropriationHB 777
- Catastrophic medical leave**, definitions, minimum standardsHB 732
- Categorically eligible recipients**, medicaid coverage for dental benefits, studySB 113
- Caterers**, alcoholic beverages
 - license fee increasedHB 764
 - served outdoors on private propertyHB 13
 - special license
 - approved public buildingsHB 764am
 - approved public buildings and other licensed premisesSB 94
- Cats**
 - breeders, license required for saleHB 307
 - licensing and rabies vaccination requiredHB 694
 - rabies vaccination and licenses, local optionHB 64am
- Cemeteries**, private, towns to keep records and annotate tax mapHB 629
- Certificate of need**, acute care facilities, moratorium on approval or construction.SB 120
- Chambers**, Rep Mary P.
 - minority leader11
 - nominated speaker7
- Chandler**, James A., elected clerk11-12
- Chaplain**
 - committee appointed to selectHR 3
 - McCall, Rev. John B., selected24
 - remarks by Rep. Warburton1142
- Charitable organizations**
 - and nonprofit organizations, directional and informational signs on highwaysHB 520
 - bingo
 - 4 big game events per year; limitations, 5% tax on proceeds.HB 441
 - sons and daughters 18 may assistHB 464
- Charitable solicitations**, fund raising counsel, compliance with reporting requirements .HB 764am

Charitable trusts, filing fees

changedHB 764am
 restricted revenue.HB 200

Charlestown, liquor storeHB 724

Charter reinstated, Sportsmen's Club of WolfeboroHB 23

Chase, Rep. Russell C., res honoringHR 27

Checks, bad

bank to penalize issuer not depositorHB 491
 less than \$500, penalty reduced; appearance of bank official not requiredHB 584

Cheshire county, highways between I-89 and I-91, study by Upper Valley Lake Sunapee

CouncilHB 408am

Chichester, Pittsfield regional solid waste cooperative agreement legalized.SB 121

Child care

agencies, corporal punishment and licensing procedures, studySB 112am
 family based, hinderance by planning and zoning laws prohibitedHB 507
 providers, revolving loan fund and guaranteed loan programSB 177
 services for general court membersCACR 8
 standards and licensing
 1989 appropriation reducedHB 762
 additional appropriation.HB 777

Child protection act, definitionsHB 145

Child support enforcement

additional staff; appropriationHB 404
 system, NE, 1987 appropriation extendedHB 764am

Children

abused or neglected

district court dismissal of petition considered final dispositional order; appeal to
 superior courtHB 455
 laws, studyHB 416
 trust fund, deadline for matching funds conditionally extendedSB 54
 trust fund, income use restricted; termination assets to tax exempt organizations or
 public useSB 55

and youth services

1989 appropriation reducedHB 762
 block grants and protective child care services, appropriationSB 133
 capital improvements appropriation.HB 100
 definitions; bureausHB 145
 forms for adoption fee informationHB 651
 new positions, appropriationHB 143
 settlement, supplemental appropriation.HB 762

corporal punishment in child care agencies, studySB 112am
 custody

grandparents' visitation rightsHB 487
 grandparents' visitation rights, interference, misdemeanorHB 618
 visitation rights of grandparents and others.HB 678

delinquent

abused, neglected, or in need of services, county expenses, reimbursement lienHB 625
 abused, neglected, or in need of services, court ordered reimbursement, financial
 statement to include social security and insurance benefitsHB 142
 abused, neglected, or in need of services, state reimbursed weekly or monthly by
 parents.HB 141am
 abused, or in need of services, liability for placement expenses for minor mother to
 include child.HB 144
 or in need of services, home detention, restitution, uncompensated public service;
 parents subject to contempt of courtHB 140

dependent, aid to families

additional appropriation.HB 777
 eligibility, unemployment of parent principal wage-earner.HB 95
 need and payment standards, study.SB 153
 supplemental appropriationHB 762

SB 4

Children (cont.)

- deposition of victim or witness 16 or under, guardian ad litem; videotape requirement
 - for those under 12 repealedHB 658
- disabled, home care, family support servicesSB 195
- families with earnings below poverty levels, emergency assistance programHB 386am
- guardian ad litem, confidential communicationHB 523
- handicapped, medically-related services, medicaid reimbursement to educational
 - agenciesHB 417
- low-income families, health services fundingHB 435
- medical support, orders enforced by human servicesSB 63
- missing, education program, 1989 appropriation reducedHB 762
- seat belts required to age 12HB 45
- SB 3
- special education, bus driver training and licensing, studyHB 522
- study committees and joint oversight committeeHB 262
- support
 - contested cases, superior court required to adjudicate paternitySB 44
 - employer information on delinquent obligor; administrative support orders; judicial
 - reviewSB 45
 - guidelines modified; definitions addedHB 677
 - wage withholding mandatory; immediate except for good cause; extended until
 - arrearage is eliminatedSB 46am
- surrogate parenting contracts unenforceableHB 25
- unlawful concealment, penaltyHB 294
- victims in assault and abuse cases, statements not excluded, conditionsHB 359

Children's bureau

- 1989 appropriation reducedHB 762
- additional appropriationHB 777
- foster care grants, supplemental appropriationHB 762

Chiropractic services, insurance coverage under group policiesHB 698**Chiropractors, continuing education; examiners board, incorrect reference deletedHB 212****Christa McAuliffe**

- memorial fund, 1987 appropriation extendedHB 764am
- planetarium
 - director, unclassified position, appointment by commissionSB 51
 - fund, appropriationHB 777

Christine Lake, Stark, motorboats, horsepower restrictedSB 7**Cigarettes**

- supplemental tax for municipal capital improvements fundHB 395
- tax increasedHB 385am

Cities

- legislative body and governing body definedSB 13
- municipal prosecutors, districtsHB 41
- school elections held during 1988 general election, held in future with state primarySB 183
- special revenue funds separate from general funds, local optionSB 145

Civil actions

- against town officials, plaintiff to pay costs and fees if action determined frivolous or
 - intended to harassHB 449am
- delays, attorney at fault to pay costsHB 72
- enhanced damages against intoxicated driversHB 564
- involving real estate, same use continued pending judgmentHB 73

Civilian Conservation Corps buildings at Bear Brook state park, rehabilitation studyHB 256**Claims**

- against NH, *Hartman v. NH Department of Public Works and Highways*, appropriationHB 11
- board, claims against volunteers; special insurance compensation fundHB 275

Clams and clam worms, license fees increasedHB 271**Claremont vocational technical college**

- additional appropriationHB 777
- capital improvements appropriationHB 100
- expanded nursing programs; appropriationSB 182

Clerk

assistant, Leo J. Callahan elected	12
employment of stenographic and clerical assistance	HR 5
James A. Chandler elected	11-12

Clinical mental health counselors licensing board	HB 574
--	--------

Clinical social workers licensing board	HB 574
--	--------

Clubs

alcoholic beverage license fee increased	HB 764
on-sale wine licenses, discount and credit terms	HB 652

Collective bargaining

public employees	
agreements not subject to municipal budget appropriations limitations	HB 190
bargaining unit size reduced	HB 164
binding arbitration	HB 626
cost items and neutral party recommendations submitted to legislative body without	
amendment	HB 593
supervisors and employees supervised in same union	HB 165
state employees	
issues expanded	SB 79
no agreement within 120 days of budget submission date, last offers made public	HB 333

Colleges and universities

advanced tuition payment for NH institutions	HB 392
college savings bonds, definition, state issued; advisory committee to plan	
implementation	HB 226
hazing prohibited	HB 740
students, voting, residency criteria	HB 466
transfer of credits between UNH and postsecondary vocational technical education system	HB 156

Collision damage waiver prohibited by motor vehicle rental companies	HB 118
---	--------

Commercial Vehicle Safety Act of 1986 implemented	HB 147
--	--------

Commercial waste haulers , identifying logo on trash containers; penalty	HB 729
---	--------

Committee re-referrals

acid rain control program	HB 723
advisory committee on boating	HB 665
African Development Bank, investments by banks, insurance companies, and retirement	
system	HB 355
alarm installers, licensing	HB 437
alcohol and drug abuse education and rehabilitation	HB 530
boating and water safety rules codified	HB 716
cable television franchises required to carry one NH commercial station	HB 686
campaign expenditures, voluntarily limited	HB 575
candidates not running, contributions as surplus funds, use limited	HB 690
capital gains tax, speculative land sales	HB 419
catastrophic aid, spousal impoverishment	HB 674
catastrophic medical leave, minimum standards	HB 732
children abused or neglected, laws, study	HB 416
compensation over \$100,000 added to gross business profits	HB 412am
comprehensive drug education program	HB 705
condominium floor and site plans certified by land surveyor	HB 563
conservation restrictions, assessments not greater than for open space land	HB 552
county reimbursement to state for nursing home care reduced	HB 612
covered bridges, standards for restoration	HB 557
criminal procedure, wiretapping, discovery, depositions	HB 759
damages from construction, study	HB 348
DWI, reduction of recidivism	HB 2002
education department, fair hearings office	HB 139
election returns forwarded by state police	HB 372
enhanced family care facilities	HB 424
election law technical amendments	HB 562
felonious use of firearms, sentence increased	HB 700
firemen, personal liability limited	HB 596
foresters, licensing	HB 409
fresh produce, additives, notice	HB 514
gas fitters, licensing	HB 421

Committee re-referrals (cont.)

grocery stores, price marked on each item	HB 591
handicapped, discrimination against in places of public accommodations prohibited	HB 670
hazardous materials transportation advisory board, membership increased:	
subcommittees appointed	HB 745
health services for children of low income families	HB 435
highway signs for charitable and nonprofit organizations	HB 520
housing appeals board, low and moderate income housing	HB 756
insurance claims adjusters, written examination exemption	HB 443
insurance, health and medical, cancellation notice	HB 524
lakes management and protection program	HB 442
landlord and tenant, eviction, tenant's rights	HB 685
lay-midwives licensed	HB 105
legislative parking garage	HB 440
massage practioners licensed	HB 108
medical waste, treatment and disposal	HB 544
medicare charges, reasonable	HB 513
metal leg traps prohibited	HB 363
Milford state police barracks dedicated to Major John T. Conti	HB 731
minors considered delinquent for motor vehicle violations	HB 624
moorings, public and congregate, approval transferred to safety services	HB 504
motor vehicles	
emissions testing	HB 216
trucks, persons and pets prohibited in open bed	HB 233
vanity plates, part of fee to highway fund	HB 725
natural resources, removal, severance tax	HB 382am
part-time employees, accident and health insurance benefits	HB 266
poison information center	HB 426
presite built housing, certification by transportation department	HB 519
public assistance, fraud, penalties	HB 614
public employees	
collective bargaining agreements not subject to town budget limitations	HB 190
supervisors and employees in same union	HB 165
public utilities, construction assistance fund	HB 539
railroads	
abandoned properties, sale	HB 639
consolidating with other public utility, approval required	HB 631
real estate appraisers	HB 430
retired state employees defined for health and life insurance	HB 589
retirement system	
group I, minimum retirement allowance	HB 592
group I-a, public safety hazardous duty employees	HB 696
group II, minimum service allowance	HB 719
group II, qualifications for membership	HB 78
investment and audit practices, study	HB 390
recycling program mandatory for state agencies	SB 57
school building aid system revised	HB 425
school districts	
building emergency loan fund	HB 399
cooperative or AREA, vote required to form or annex	HB 583
excess funds, expenditure authorized	HB 567
schools	
driver education, \$180 per pupil	HB 405
minimum standards funded by state	HB 585
single use non-biodegradable plastic items prohibited	HB 669
ski craft prohibited	
and motorboat speeds limited on Connecticut River near Hanover	HB 490
Conway Lake, Conway and Eaton	HB 318
lakes in Wolfboro	HB 49
Pleasant Lake and Little Lake Sunapee, New London	HB 469
Stinson Lake, Rumney	HB 33
state agencies, prompt payment of bills	HB 393
state employees, classification plan, performance management system	HB 250
state officials, new salary ranges	HB 350
state park beaches, user fees not included in rules	HB 171
statewide conference on families	HB 660
tax supported debt, limitations	HB 220

Committee re-referrals (cont.)

telephone and telegraph companies, tax exemptions	HB 265
towns, state agency rules, costs fully funded	HB 381
unemployment of parent principle wage earner, AFDC eligibility.....	HB 95
waste reduction and recycling	HB 746
water systems, public, permits fees	HB 149
wildlife habitat conservation funded from surcharge on hunting and fishing licenses.....	HB 249
workers' compensation	
action against fellow employee, burden of proof.....	HB 280
action against fellow employee, indemnification.....	HB 284
frivolous actions	HB 116
interest increased	HB 194
new disability benefits	HB 195
part-time police officer.....	HB 297
permanent impairment awards.....	HB 283
temporary partial disability, limitation removed	HB 196
third party recoveries, amount to injured employee	HB 281
zoning, planning, and building code violations, cease and desist orders	HB 730

Committee to review constitutional amendment questions.....	SB 137
--	---------------

Common carriers. See also: Motor carriers

consolidation with railroad or other common carrier, approval of transportation commissioner	HB 631
---	--------

Communicable diseases bureau, alcohol, drugs, and AIDS out-reach program, Hampton

Beach and Weirs Beach	HB 418
-----------------------------	--------

Community action programs, vehicles, special number plates; gasoline tax refund	HB 330
--	---------------

Community mental health

centers	
quality assurance records confidential.....	HB 632
services covered by mental health insurance group policies	HB 666
facility, limited disclosure of client information to family members	HB 502
programs, direct care employees, administration of certain medications.....	HB 499
services, additional appropriation.....	HB 777

Community residences, medical assistance recipients, personal needs allowance increased ..	HB 96
---	--------------

Community services council, Merrimack County

program at state house cafeteria, meals exempt from meals and rooms tax.....	HB 385
teletypewriter access to state agencies	SB 191

Community social services, residential specialist program, postsecondary vocational

technical education	HB 581am
---------------------------	----------

Commuter rail service, Nashua-Boston, study	SB 189
--	---------------

Compost defined, towns authorized to create and use	HB 289
--	---------------

Computer management and data processing study.....	HB 764am
---	-----------------

Concord

district court, capital improvements appropriation	HB 100
parking garage for legislature and state government personnel	HB 440
state-capitol-region planning commission, membership increased	HB 737
Storrs Street extended to I-393, feasibility study; appropriation	HB 224
ward designations changed to numbers.....	HB 347

Condemnation

airport properties, by transportation commissioner.....	SB 134
proceedings, filing fee increased; deposited in general fund	HB 764

Condominiums

common areas taken by eminent domain, procedure	HB 167
floor and site plans certified by land surveyor	HB 563
registration fee increased	HB 764am
time share, taxed as wholly owned unit.....	SB 53

Conference on families	HB 660
-------------------------------------	---------------

Confidential communications

guardian ad litem and child	HB 523
mental health facilities, limited disclosure of client information to family members.....	HB 502

Confidential information

head injury registry	HB 697
insurance examinations and investigations by commissioner	HB 44
library user records	HB 36
marital mediators	HB 571
quality assurance records of community mental health centers	HB 632
social security numbers on file with motor vehicles division	HB 710

Conflict of interest

defined, code of ethics, general court members	HB 704
ordinance proposals to voters on printed ballot	HB 461

Connecticut River, motorboat speed

limited between Ledyard Bridge in Hanover and 3 miles north; ski craft prohibited; exceptions	HB 490
limits posted	SB 40

Conservation

commissions, recommendations for purchase of land or water rights	HB 543
land*	
investment program, appropriation	HB 100
restrictions, assessment not greater than open space land	HB 552
sale to state, business profits tax credit	SB 141
wildlife habitat, funded from surcharge on hunting and fishing licenses	HB 249

Constitutional amendment proposals

ballot questions in clear, concise language, committee to review	SB 137
budget increases limited to 5%	CACR 10
executive branch, administrative rules may be disapproved by general court	CACR 5
general court	
biennial sessions	CACR 1
members, child care services	CACR 8
members, compensation removed from constitution	CACR 12
members, removal for absenteeism	CACR 14
governor, line item veto	CACR 2
	CACR 16
initiative and referendum	CACR 6
initiative petitions, indirect	CACR 15
juries, 6 members in civil and certain criminal trials	CACR 13
mandated programs, approval by local legislative body	CACR 9
supreme court rules effective if not in conflict with statute	CACR 11
sweepstakes funds limited to educational purposes	CACR 7

Constitutional officers, retirement system, group 1, membership optional HB 742**Construction**

assistance fund, for public utilities	HB 539
materials, availability covered in master plan	SB 67
work in progress, certain costs included in public utility rate base	HB 278

Consumer advocate, office, cable television system franchises reviewed HB 434**Consumer protection**

automatic telephone dialing systems, solicitation regulated	HB 373
cash refunds for returned merchandise	HB 695
credit card finance charges restricted	HB 162
failure to disclose owners of rented residential property unlawful	HB 685
residential telephone solicitation regulated	HB 268

Containers

beverage	
recycling	HB 627
	HB 747
returnable	HB 733
packaging disposal fees	HB 746

Conti, Major John T., Milford state police barracks dedicated to HB 582am
HB 731**Continuing care communities, definitions of continuing care or life care, and living**

unit modified	HB 205
---------------------	--------

Contracts

leases, uniform commercial code, article 2A	SB 173
---	--------

Contracts (cont.)

recording state forest concessions, time period extended and annual consideration increasedHB 122

Convention centers

alcoholic beverage license fee increasedHB 764
on-sale wine licenses, discount and credit termsHB 652

Conway

Lake, Conway and Eaton, ski craft prohibitedHB 318
supervisors of checklist, appointment of village district commissioners to serve as supervisors of district meetingHB 10am
traffic problems on routes 16 and 302, studySB 152
village fire district
1987 appropriation charged against capital reserve fundHB 762
state bonds, payments charged against WSPCD state aid grant program; 1987 matching appropriation repealedHB 762

Cooperative extension service

1989 appropriation reducedHB 762
additional appropriationHB 777

Cord measurement and certification repealedHB 15

Cornish-Windsor bridge reconstruction, reimbursement to highway surplus account;

appropriationSB 58

Corporal punishment

in child care agencies and schools, studySB 112am
studyHB 262

Corporations

business and voluntary, repealed provisions deletedHB 503
directors and officers, personal liability limited in articles of incorporation; exceptionsSB 5
dissolution, letter of certification from revenue administration, feeHB 764
doing business in Northern Ireland, adherence to MacBride principles for investment by state treasurerHB 223
filing and license fees increasedHB 764
securities, registration by coordination; filing fee for investigatory fundHB 401
transportation commissioner findings in the public interest to operate railroadsHB 185
voluntary, recording and renewal fees increasedHB 764

Corrections

department

1988 capital improvements appropriation extendedHB 100
additional appropriationHB 777
appropriation reducedHB 200
alcohol and drug abuse treatment program, appropriationSB 97
alcohol and drug abuse treatment program, appropriation reducedHB 769
alcohol and drug abuse treatment program for prisoners, funding from drug forfeituresSB 187
female prison, additional appropriationHB 777
female prison, supplemental appropriationHB 762
SB 4
line personnel, major responsibility for security to qualify for group II, retirement systemHB 78
physicians and dentists transferred to unclassified systemHB 273
physicians and dentists transferred to unclassified system; termination proceduresHB 109
state prison, supplemental appropriationHB 762
supplemental appropriationSB 4
HB 762
various capital improvements appropriations extendedHB 100
probation-parole officers, authority to carry firearms repealedHB 75
public safety hazardous duty employees, group I-a, retirement systemHB 696

Cosmetologists, qualifications, completion of high school requiredSB 174

Cosmetology redefined to include pedicuringHB 341

Cotton, Norris, former US Senator, res on deathHR 17

Council on resources development, notification by housing finance authority of surplus

state propertyHB 580

Counties

added to solid waste disposal cooperation regions	HB 488
autopsies, maximum cost	HB 619
budget increases limited to 5%	CACR 10
correctional facilities	
delivery of any article to or from prisoner without knowledge of superintendent,	
class B felony	HB 204
farms, or nursing homes, sheriff ineligible to be superintendent	HB 692
line personnel, major responsibility for security to qualify for group II, retirement	
system	HB 78
nursing homes, public assistance, reimbursement rate increased	HB 764
officers, salaries adjusted	HB 761
real estate transfer taxes returned; officers paid by salaries not fees	HB 432
reimbursement	
for general assistance fund payments for prescription drugs	HB 98
lien for expenses of children delinquent, abused or neglected, or in need of services ...	HB 625
to state for nursing home costs reduced	HB 612
revenue returned from real estate transfer tax	HB 326
taxes	
due date changed	HB 456
overpayment adjusted by revenue administration commissioner	HB 671

Country Pond, Kingston and Newton, ski craft prohibited	HB 55
--	--------------

County attorneys

Carroll county, private practice restricted to civil law	HB 313
wiretapping authorized without approval of attorney general; crimes expanded	HB 759

County commissioners

Belknap, elected by district	HB 230
unincorporated towns and unorganized places, powers and duties	HB 531

County conventions

adjustment of salaries of county officers	HB 761
administrative assistants	HB 338

County government, study	HB 245
---------------------------------------	---------------

County treasurer, deposits in qualified public depositories	HB 561
--	---------------

Courts

1989 appropriation reduced	HB 762
bail	
release pending trial or appeal;	SB 196
when allowed; 10% bail; conditions; hearings; punishment	HB 738
decisions affecting property boundaries recorded by register of deeds	HB 691
facilities	
rental formula; appropriation	HB 407
responsibility transferred to administrative services; supreme court excepted;	
accreditation commission, membership and duties	SB 81
family, study	HB 263
penalty assessments increased for	
court modernization fund	HB 764
victims' assistance program	HB 578
plaintiff or defendant, right to record trial proceedings	HB 709
security, additional appropriation	HB 777
services ordered, costs	HB 643am

Covered bridges, standards for restoration; demolition prohibited, exceptions	HB 557
--	---------------

Credit cards, finance charges restricted	HB 162
---	---------------

Crematories, regulation transferred from public health services to funeral directors and	
embalmers board	HB 106

Crescent Lake, Wolfeboro, ski craft prohibited	HB 49
---	--------------

Criminal code

adultery decriminalized	HB 18
assault, operating boat while intoxicated, alcohol concentration replacing blood alcohol	
content	SB 14
bad checks under \$500, penalty reduced; appearance by bank official not required	HB 584

Criminal code (cont.)

cruelty to animals	
livestock events, withholding food or water	HB 576
temporary protective custody	HB 201
felonious use of firearms, sentence increased	HB 700
limitation of actions extended for offenses regarding game animals, fur-bearing animals, and guides	SB 6
negligent homicide, penalty increased	HB 288
obscene bumper stickers and T-shirts prohibited	HB 684
sentences, mandatory, armed career criminals	HB 699
simple assault on law enforcement officer, mandatory penalty	HB 276
steroids prohibited for athletic enhancement	HB 264
unlawful concealment of child, penalty	HB 294

Criminal defendants, indigent

attorneys' fees	
additional appropriation	HB 777
supplemental appropriation	HB 762
	SB 4
investigative services authorized by district courts	HB 114
repayments to cost containment unit, administrative services; appropriation	HB 518

Criminal offenses, penalty assessment on fines increased for court modernization fund . . . HB 764**Criminal procedure**

arrest without warrant, additional provision	HB 158
bail, when allowed; 10% bail; conditions; hearings; punishment	HB 738
commitment to NH hospital for observation at state expense	SB 15
discovery, material required to be disclosed; depositions by accused limited	HB 759
municipal prosecutors, districts	HB 41
petit jurors, oath modernized	HB 17
videotaped deposition	HB 658
witnesses 60 or older	HB 319
release pending trial or appeal	SB 196

Crossbow, special permit for handicapped . . . HB 351**Crowley, Mary Elaine, unjustified termination as bingo inspector, compensation and reinstatement** . . . HB 331**Cruelty to animals**

livestock events, withholding food or water	HB 576
temporary protective custody	HB 201

Current use and use change tax, recording fee . . . HB 119

Custody

children, grandparents' visitation rights	HB 487
term replaced by shared parenting	HB 717

D**Dairy cases, identified; deposits; penalties** . . . HB 607**Damages**

construction, study	HB 348
enhanced, in civil suits against intoxicated drivers	HB 564
joint and several liability; pollution liability not limited	SB 110
wrongful death, elements to be considered, limitation increased	HB 367

Dams

annual registration fee	HB 764
class B, significant potential hazard	SB 181
definition changed	HB 547
maintenance fund, bond authorization increased	HB 100
registration and classification fees	HB 79
repairs and construction, design permits required	HB 81
state maintained, shoreline assessment against towns	HB 764
violations, administrative fines; rulemaking by water resources division; dam inspection fund	HB 89am

Data processing

and computer management study	HB 764am
proposals, review by fiscal committee; legislative oversight committee	HB 764

Deaf

- hearing aids advisory council, members, restriction deletedHB 554
- person redefined; program in vocational rehabilitation divisionHB 134am
- teletypewriter access to state agenciesSB 191

Death

- penalty, drug dealersHB 530
- pronouncement by nurses in hospitalsHB 60

- Debt management** overview committeeHB 715

Deer hunting

- discharge of firearms near dwelling, distance increasedHB 358
- Dover, method of taking limitedSB 20
- season set after consultation with commissionHB 302am

Definitions

- abortion, emancipated minorSB 136
- abuse under domestic violence lawHB 752
- administrative officer, decision of administrative officerHB 472
- alcohol concentrationSB 14
- anabolic steroidsHB 264
- antique aircraftHB 241
- ash sampling, commercial incineration and combustion facilitiesHB 689
- assisted housing unitsSB 138
- associate funeral directorHB 428
- automatic telephone dialing systemHB 373
- automobile transporterHB 365
- baseline emissions; emission rateHB 723
- beverage; recyclingHB 747
- biodegradable; redemption centerHB 733
- black liquor; wood liquorHB 634
- boreal forest; clear cutHB 753
- bottled water; mineral water; natural waterHB 534am
- breeder, as applied to dogs or catsHB 307
- cable television systemsHB 434
- certified nursing assistantHB 93
- college savings bondsHB 226
- collision damage waiverHB 118
- commercial driver; commercial motor vehicleHB 147
- common carrier, contract carrierHB 104
- community spouseHB 674
- conservation restrictionHB 552
- continuing care, life unitHB 205
- cosmetology, pedicuringHB 341
- dairy casesHB 607
- damHB 547
- dangerous dog; at largeHB 533
- deaf person; qualified interpreterHB 134am
- domestic wineHB 29
- drug paraphernaliaSB 52
- emissions analyzerHB 216
- encroachment waiverHB 46am
- estheticiansSB 174
- excavation siteSB 67
- family and catastrophic medical leaveHB 732
- family support servicesSB 195
- final dispositional orderHB 455
- fireworks, retail and wholesaleSB 38am
- forestryHB 409
- game booth operatorHB 366
- gas fittingHB 421
- grocery storeHB 591
- gross business profits, redefined forHB 414
- partnerships, trusts, and estates
- hazing; student organizationHB 740
- home detention; restitution; child in need of servicesHB 140
- home inspectorsHB 322

Definitions (cont.)

housing component; presite built housing	HB 519
implement of husbandry; wrecker	HB 103
island real estate	HB 739
landscape architecture	SB 192
legislative body; governing body	SB 13
legislative staff member; constitutional officer	HB 742
long term insurance, pre-existing condition	HB 375
marital mediators	HB 571
medical waste; exceptions	HB 544
milk	HB 146
motor vehicle waste	HB 332
motorboat; water skiing	HB 716
museum	HB 244
nonprofit organizations	HB 275
obscene material	HB 684
oil	HB 150
open house party	HB 684
ophthalmic dispensing	HB 444
	HB 164
owner-employee under business profits tax	HB 412
parenting plan; shared parenting	HB 717
person responsible for a child's welfare	HB 145
personal watercraft	HB 529
	HB 703
physically handicapped person	HB 599
physician assistant	HB 376
place of public accommodation	HB 670
political subdivision	HB 381
practice of land surveying	SB 43
public safety hazardous duty employee	HB 696
public utility	HB 535
qualified public depository	HB 561
quarrying; exploration	HB 538
recyclable material	HB 605
	SB 156
recycled material	HB 746
refuse, compost	HB 289
residence, commercial building	HB 673
respiratory care practitioner	HB 371
retired state employee	HB 589
sales representatives	SB 16
seasonal for employment purposes	HB 191
separated waste	HB 734
service dog; mobility impaired person	HB 611
shorefront property, small mooring sites	HB 111
single use plastic items	HB 669
student housing	HB 679
subsidized multifamily rental housing projects	HB 635
support order	HB 483
surrogate parenting contract	HB 25
tax supported debt	HB 220
taxable business profits	HB 234
technical drilling, technical driller	HB 54
trail connector	HB 676
US Internal Revenue Code	HB 119am
unrelated business income	HB 422
walking disability	HB 587
Deinstitutionalization of mentally disabled, study	HB 248
Dental benefits, medicaid coverage, categorically eligible recipients, study	SB 113am
Dental board, membership increased	HB 397
Dental health	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
Dental schools, anatomical gifts, responsibility for transportation and preservation	HB 748

- Dentists**, corrections department and public health services, transferred to unclassified systemHB 109
HB 273
- Depositions**
by accused limitedHB 759
videotaped, studyHB 658
- Derry**, school district, debt retirement fundHB 763am
- Detective bureau**, additional appropriationHB 777
- Developmental services** and mental health, studyHB 764am
- Developmentally disabled**, advisory committee to establish priorities to reduce waiting lists for servicesSB 147
- Developments**
capital improvement impact feesHB 588
impact fees
authorizationHB 572
for capital improvements, studyHB 758
regional impact, review procedureHB 471
- Diabetics**, prescriptions, oral or written, for hypodermic syringes good for one yearHB 53am
- Dillant-Hopkins airport**
Keene, 1986 capital improvements appropriation extendedHB 100am
Swanzy, improvements appropriationHB 352
- Disabled**
children, home care, family support servicesSB 195am
permanently and totally
aid, 1989 appropriation reducedHB 762
SB 4
aid, additional appropriationHB 777
aid, reimbursement rate for counties increasedHB 764
notice of availability of tax lien before tax saleHB 600
veterans, free hunting and fishing licenses, eligibility criterionHB 302
- Discovery**, criminal cases, material required to be disclosed; limitationsHB 759
- Discrimination**
against handicapped in places of public accommodation prohibited; accessibility requirementsHB 670
equal pay act enforced by human rights commissionHB 664
prohibited, eviction of tenant with AIDSHB 237
- Disease prevention and control**
1989 appropriation reducedHB 762
additional appropriationHB 777
- District courts**
additional appropriationHB 777
dismissal of child abuse or neglect petition considered final dispositional order, appeal to superior courtHB 455
fines for violating municipal ordinances returned to municipality after expensesSB 56
Franklin, lease-purchase agreement between city and supreme courtHB 329
indigent defendants, compensation for investigative servicesHB 114
judges
prohibited from private practice, retirement pay, vesting rightsSB 82
prohibited from private practice, salaries increasedHB 767
salaries increasedSB 146
Portsmouth, property purchase; appropriationSB 96am
pretrial detention hearings, appeal to superior courtHB 738
record retention and destruction schedules set by court rulesHB 643
uniform fine schedule for fish and game violations; pleas by mailHB 99
- Divorce**
child support guidelines modified; definitions addedHB 677
children and guardian ad litem, confidential communicationsHB 523
children, custody
grandparents' visitation rightsHB 487
grandparents' visitation rights; interference, misdemeanorHB 618

Divorce (cont.)

children, custody (cont.)

term replaced by shared parentingHB 717

visitation rights of grandparents and others.....HB 678

maintenance orders, wage assignmentHB 483

marital mediators.....HB 571

Docks and marinas, permits for construction or repair recorded in registry of deedsSB 60**Documents**, state, distributed to Keene state college, Plymouth state college, and University
of NH librariesHB 602**Dogs**

breeders, license required for saleHB 307

dangerous and at large, custody and impoundment; penalties increasedHB 533

licenses, fees increasedHB 261

minors owning, liability of parent; rabies epidemic, dogs restrained; fines increased;
disposition of cases by courtHB 267

nuisance, menace, or vicious, penalties increasedHB 306

racing, pari-mutuel pools, tax rate based on performance average; 2% increase to fund
capital improvementsSB 100

restraint or leash requiredHB 694

service, accompanying mobility impaired persons, access to public places.....HB 611

Domestic animals, diseased, law and rule violations, administrative finesHB 65**Domestic violence**

abuse defined; relief; protective orders; contempt hearingsHB 752

victims assistance programs, funding from increased marriage license feeSB 99

Dover, deer hunting, method of taking limitedSB 20**Dredging**. See: Excavating**Driver and safety education**

additional appropriationHB 777

fund, amount lapsed to general fund.....HB 200

Driver education, additional appropriation.....HB 777**Driver training fund**

\$150 per pupil paid to participating schoolsHB 447

\$180 per pupil paid to participating schools, excess funds for alcohol and drug abuse
educationHB 405**Dropout prevention study** extended, additional reportHB 161**Drugs**

abuse

minors, operator's license denied or revokedHB 168

prevention, drug-free school actHB 545

and alcohol abuse

education, funded from driver training fund surplusHB 405

prevention, 1989 appropriation reducedHB 762

prevention, additional appropriationHB 777

prevention office, appropriation; expenditure of funds, study.....HB 439am

treatment program, corrections department, appropriation.....SB 97

treatment program, corrections department, appropriation reducedHB 769

treatment program for prisoners, funded from drug forfeitures.....SB 187

controlled

abuse, forfeitures, to fund drug and alcohol abuse education and rehabilitationHB 530

amounts changed; penalties increased; forfeiture, affidavit of indigency in lieu of bond .. .SB 32

dispensed by professional associations or corporations, license requirements removed .. .HB 77

drivers convicted of offenses suspended from motor vehicle race tracksHB 569

house parties for minors, prohibitedHB 684

juvenile convicted of certain offenses, name publishedHB 498

offenses, forfeiture fund cap increasedHB 258

offenses, forfeiture money, distribution changed.....SB 97

operating aircraft under influence, penaltyHB 241

paraphernalia redefined to include objects customarily intended for use with drugsSB 52

selling near schools, mandatory penaltiesHB 705

wiretapping by investigators; cash bail or bondHB 759

prescription, counties and towns reimbursed for general assistance fund paymentsHB 98

Durable power of attorney for health care, studySB 76am

E

Eastern NH turnpike

Dover to Newington, environmental impact and preliminary design study, appropriation...SB 152
exit 10 construction, appropriationSB 33

Eastern states exhibition building repairs, appropriationHB 57

Eaton, Clyde S., Rep., res on deathHR 22

Eaton, Joseph M., former Rep.

elected temporary chairman6-7
res honoringHR 10

Economic and labor market information bureau, employment security departmentHB 536

Economic development

1989 appropriation reducedHB 762
additional appropriationHB 777

Education

1989 appropriation changedHB 762
additional appropriationHB 777
alcohol and drug abuse program funded from forfeitures and surcharge on alcoholic
beveragesHB 530
commissioner, gifts, contributions, and bequests accepted to further policy objectivesHB 71
degree granting authority of Thomas More Institute of Liberal ArtsHB 458
department
certification of interpreters for deaf and hard of hearingHB 134am
fair hearings office administratively attached, appropriationHB 139
questionnaire on extra curricular and work activities of studentsSB 49am
school building emergency loan fund; appropriationHB 399
supplemental appropriationSB 4
deputy commissioner, salary increased; 3 positions added to unclassified salary range. HB 260am
drug and alcohol program, rulemakingHB 705
elementary, minimum standards, costs funded by stateHB 585
forgiveable teaching loan programHB 570
foundation aid, sources of funds specifically identifiedHB 448
funding, unincorporated towns and unorganized places, taxes assessed and collected by
county commissionersHB 531

Head Start program

contracts, additional appropriationHB 777
supplemental appropriation; distribution of fundsHB 374

higher

advanced tuition payment for NH institutionsHB 392
residential specialist program in postsecondary vocational technical education
departmentHB 581am
transfer of credits between UNH and postsecondary vocational technical education
systemHB 156
illiteracy and dropout prevention study extended, additional reportHB 161
kindergarten financing studyHB 683
minors, restrictions on employmentSB 203
NH Humanities Council, summer institutes for teachers; stipendsHB 379
pilot guidance assistance program, grades 1-6HB 420
pilot reading recovery programSB 109
program on excellence, report date changedHB 764
public, private sector involvement, studySB 115
school administrative units, associate superintendents, appointment and certificationHB 21
school improvement programHB 764am
school tax money from unorganized places continually appropriatedHB 136am
special
catastrophic aid, distributed on pro rata basisSB 36
HB 260
catastrophic aid, supplemental appropriationHB 762
initiatives program, 1987 appropriation extendedHB 764am
state aid, sweepstakes revenue used for exclusivelyHB 172
state board
5 members appointed from council districts, 2 at largeSB 109am

Education (cont.)

state board (cont.)

- 30% of Carl Perkins federal grant to postsecondary vocational technical education department HB 90
- 1989 appropriation reduced HB 762
- member from each executive councilor district HB 565
- rulemaking to promote vocational rehabilitation; superintendent's salary, state's share fixed HB 135
- students leaving before 18 must demonstrate literacy SB 135
- vocational
 - area school tuition and transportation, supplemental appropriation HB 762
 - regional centers, construction, appropriation increased HB 70
 - regional centers, sending district, payment in lieu of tuition HB 282

Educational resources and learning center, appropriation HB 137

Elderly. See also: Senior citizens

- 60 or older, criminal cases, videotaped deposition HB 319
- and adult services division
 - 1989 appropriation reduced HB 762
 - additional appropriation HB 777
 - informational booklet on Alzheimer's disease HB 295
 - respite care for Alzheimer's victims, maximum increased HB 296
- blind, independent living program HB 138
- Glencliff home
 - 1987 capital improvements appropriation extended HB 100am
 - 1989 appropriation reduced HB 762
 - capital improvements appropriation HB 100
- laws recodified HB 31
- long term care insurance HB 375
- notice of availability of tax lien before tax sale HB 600
- tax exemptions
 - 3 options HB 60
 - adjusted and optional adjusted, amount of assets clarified HB 119
 - increased when property is reassessed SB 140
 - interest and dividends HB 438
 - optional adjusted HB 642
- voters, accessible polling places HB 558

Elections

- absentee ballots, college students; residency criteria HB 466
- assistant moderator and town clerk, domiciled in voting district HB 480
- ballots
 - column for write-ins HB 501
 - form changed; alphabetical listing of names; split and straight ticket voting HB 378
 - offices separated by space and line HB 500
 - straight ticket voting eliminated HB 675
- by-laws regulating, posted; failure to conform to, violation HB 726
- campaign expenditures
 - and contributions limited, fee waived or refunded SB 178
 - limited, filing fee waived HB 575
- campaign financing fund, candidate eligibility and limitations HB 415
- candidates
 - designation of name on ballot; domicile removed HB 475am
 - in primary running as nominee of another party prohibited HB 378
 - one party only HB 218
 - termination of candidacy, contributions as surplus funds, use limited HB 690
 - write-in votes valid only upon written notice of candidacy HB 328
- citizen participation encouraged HB 229
- Concord, ward designations changed to numbers HB 347
- constitutional amendment proposals, ballot questions in clear, concise language, committee to review SB 137
- laws, technical amendments HB 562
- moderator, seeking reelection, may perform election duties HB 508
- polling places, special provisions for accessibility HB 558
- primaries
 - ballots for computerized voting machines, secretary of state to determine number SB 93
 - independent may change back to independent after voting HB 228
- returns forwarded by state police to secretary of state HB 372

Elections (cont.)

- school, held during 1988 general election, held in future with state primarySB 183
- town officers, term begins after time for holding recount has expired.....HB 369
- voter registration at locations for motor vehicle registration and driver's license examinationHB 702
- voting by machine, checkout procedure not applicableHB 484

Electric power

- nuclear, emergency evacuation, public education programHB 551
- regional pooling alternatives, PUC to study; appropriationHB 411
- small producer, additional capacity sold under contract, not rates set by commission ...SB 163am

Electric utilities

- lineworkers, requirements for hazardous workHB 357
- NH energy authoritySB 205
- purchase of rights from small producers, PUC approvalHB 485
- purchases or conversions, PUC approvalHB 549
- rate base, CWIP, certain costs includedHB 278
- service territories, applications; highest good; complaintsHB 559
- service territories, expanded to include any utilityHB 616
- subsidiaries providing energy services; rulemaking by PUCHB 754

Electricians board, alarm installers licensedHB 437**Elevators, inspectors license fees increased; new installations, fee for examining plans increasedHB 764****Embalmers. See: Funeral directors and embalmers****Emergency care providers, unprotected exposure to infectious disease suspected, notification to medical referral consultant.....SB 87****Emergency equipment contaminated by hazardous waste accident, financial responsibility for cleanupHB 497am****Emergency management**

- director, nuclear facilities, evacuation, public education program.....HB 551
- office, additional appropriation.....HB 777

Emergency medical services, 1989 appropriation reducedHB 762**Emergency rescue services personnel, personal liability limitedHB 596****Emergency response committee, hazardous materials incidents and programs, funding studyHB 394****Emergency shelter, telephone service and pilot housing voucher aid program; appropriationSB 170****Eminent domain**

- condemnation
 - airport properties.....SB 134
 - proceedings, filing fee increased; deposited in general fundHB 764
- condominium common areas taken by, procedure.....HB 167
- relocation assistance and real property acquisitionHB 148

Employees' retirement system merged into NH retirement system.....HB 579**Employment, equal pay act enforced by human rights commission.....HB 664****Energy**

- authority, NHSB 205
- conservation code, new public buildings.....HB 100
- electric utilities
 - purchase of power from small producers, PUC approvalHB 485
 - service territories, applications; highest good; complaints.....HB 559
- facilities
 - air emission control and ash monitoring programsHB 689
 - procedures for siting, licensing, and operation, studyHB 608
 - recycling uses of bottom ash, study.....HB 680
- nuclear facilities, emergency evacuation, public education program.....HB 551
- services provided by subsidiaries of electric utilities; rulemaking by PUCHB 754
- small power producer, additional capacity sold under contract, not rates set by commissionSB 163am

Engineers

joint board, supplemental appropriationHB 762
 temporary permits; licensing requirements; roster mailed to residents only; license
 expiration and renewals, time changedSB 43

English, official language of NHHB 48

Enhanced family care facilities, board and care rate increasedHB 424

Environmental health, 1989 appropriation reducedHB 762

Environmental risk insurance poolHB 433

Environmental services

4 positions added, appropriationHB 129

1989 appropriation reducedHB 762

additional appropriationHB 777

administrative fines for oil pollution control violationsHB 150

capital improvements appropriationHB 100

commissioner

nomination of director of water supply and pollution controlHB 68am

rulemaking authorityHB 67

salary increasedHB 126

inventory of access ramps to public waters under their controlHB 202

department, positions reclassifiedHB 200am

excavation appeals board administratively attached; appropriationHB 431

hazardous waste management violations, administrative fineHB 128

labeling of recyclable materials, rulemaking authorityHB 605

lakes management and protection program; appropriationHB 442

mining and quarrying regulationHB 538

noise pollution control standards and guidelinesHB 568

outlet of Lake Massasecum and Warner River, Bradford, hydrologic study; appropriationHB 344

recycling uses of bottom ash studyHB 680

report on goals and objectivesHB 606

solid waste facilities exempted from junkyard regulationsHB 657

water analysis fees increasedHB 764

water pollution control revolving loan fund, appropriationHB 100am

water testing, laboratory fees increasedHB 127

well water tests for new homes, rulemaking authorityHB 213

Environmentally hazardous business or industry, siting in town, local optionHB 526

Epping

meeting legalized concerning real estate tax lienHB 14

route 101 to Brentwood, reconstruction prioritySB 151

Epsom, Pittsfield regional solid waste cooperative agreement legalizedSB 121

Equal pay act, enforced by human rights commissionHB 664

Equine infectious anemia, positive reactors, freeze marking to replace lip tattoo, quarantine,
 rules, administrative finesHB 63

Estates, gross business profits redefinedHB 414

Estheticians, licensed by barbering, cosmetology, and esthetics board; qualifications,
 definitionsSB 174

Ethics

code, general court membersHB 704

in government, studyHB 633

Evictions, wintertime, prohibited if rent is paidHB 638

Evidence, minor victims in assault and abuse cases, statements not excluded, conditionsHB 359

Excavating

25 feet from known gravesiteHB 629

and dredging, plans reviewed by water supply and pollution control division, feeHB 129

definitions, permits, appealsHB 431

emergency cessation orders, rehearings by wetlands board; appeals to superior courtSB 17am

filing fee increasedHB 764

less than 4 feet above high water table prohibitedHB 525

permit application to wetlands board replacing noticeHB 764am

Excavating (cont.)

- Portsmouth harbor and Piscataqua River, repayment by state charged against treasury special fundHB 762
- sand and gravel, severance taxHB 382
- standards; reclamation; permit exemptions; prohibitionsSB 67
- wetlands
 - cease and desist ordersSB 18
 - permits, penaltiesHB 80am

Excellence in education program, report date changed.....HB 764

Executive branch

- 1989 appropriations, additional reduction.....HB 762
- administrative rules may be disapproved by general courtCACR 5
- rules, costs to political subdivisions fully funded.....HB 381

Executive council, election returns; committee to compare and count33-34

Exeter, route 101 to Stratham and Hampton and interchanges, reconstruction priorityHB 151am

Experience modification method of determining insurance risks, study.....HB 293

Export activities, development in NH, studyHB 251

Extension work, counties

- 1989 appropriation reduced.....HB 762
- additional appropriationHB 777

F**Fairs**

- alcoholic beverage license fee increased.....HB 764
- firearms and knives as prizes prohibited.....HB 366

Families, statewide conference.....HB 660

Family and catastrophic medical leave defined; minimum standards.....HB 732

Family and community health, 1989 appropriation reduced.....HB 762

Family care facilities, enhanced, board and care rate increased.....HB 424

Family court, studyHB 263

Family planning program, 1989 appropriation reducedHB 762

Family support services for families caring for members with developmental disabilities...SB 195

Farms, pesticides disposal program.....HB 56

Fast day, holiday replaced by Martin Luther King dayHB 169

Federal Catastrophic Aid Act, spousal impoverishment provisions administered by human resources divisionHB 674

Federal funds

- Carl Perkins grant, 30% to postsecondary vocational technical education department.....HB 90
- Urban Mass Transportation Administration, carried over.....HB246

Federal lands acquired for flood control, reimbursements to cities and towns, time changed .HB 119

Felons

- armed career criminals, mandatory sentenceHB 699
- sentences, community service, 3 days imprisonment, mandatory, studyHBI 2001

Financial services industry, effects of changes on consumers, studySB 30

Fines

- administrative
 - agriculture, diseased domestic animals, law and rule violationsHB 65
 - agriculture, equine infectious anemia violations.....HB 63
 - agriculture, feeding raw garbage to swineHB 117
 - agriculture, livestock auctions and shipping violations.....HB 62
 - agriculture, rabies vaccinations for cats, violationsHB 64
 - agriculture, weights and measures, violationsHB 88
 - environmental services oil pollution control violations.....HB 150
 - hazardous waste management violationsHB 128
 - water resources division, dam violationsHB 89

Fines (cont.)

asbestos violations, increased	SB 64
penalty assessment increased for	
court modernization fund	HB 764
victims' assistance program	HB 578
uniform schedule, fish and game violations	HB 99
violation of municipal ordinances, returned to towns after expenses	SB 56

Fire

equipment contaminated by hazardous waste accident, financial responsibility for	
cleanup	HB 497
marshal	
coordinator for hazardous materials incidents	HB 394
regulation of small nonutility propane gas pipeline safety	SB 197am
transferred to fire service division, safety department	SB 168
protection, state house, improvements, appropriation	HB 210
service	
director, safety department, salary and benefits appropriation	HB 764am
service (cont.)	
training fund for establishing and operating fire academy	HB 682
standards	
and safety commission transferred to fire services division of safety department	SB 168
and training commission, additional appropriation	HB 777

Firearms

discharge near dwellings, distance increased	HB 358
felonious use, sentence increased	HB 700
mandatory sentence for armed career criminals	HB 699
pistols and revolvers, purchase permits and statements required	HB 356
prizes at fairs and carnivals, prohibited	HB 366
probation-parole officers, authority to carry repealed	HB 75
shooting range, study	HB 240

Firefighters

call or volunteer, membership in NH State Fireman's Association deleted for workers'	
compensation purposes	SB 8
personal liability limited	HB 596
public safety hazardous duty employees, group I-a, retirement system	HB 696
special number plates	HB 649
unprotected exposure to infectious disease suspected, notification to medical referral	
consultant	SB 87

Firemens' retirement system merged into NH retirement system HB 579**Fireworks**

definitions; sale and display; permits and licenses	SB 38am
sales regulated; age for possession, 21	HB 174
wholesale, tax	HB 749

Fiscal committee, approval of employment of assistants by attorney general; review of data

processing proposals	HB 764
----------------------------	--------

Fish and game

capital improvements appropriation	HB 100
commission, membership increased, qualifications	HB 311
crossbow use by handicapped	HB 351
deer. See: Deer	
department	
capital projects; maintenance and construction crew, appropriation	HB 166
claims against available federal funds submitted to comptroller	HB 200
great ponds inaccessible to public, stocking prohibited	HB 309
inventory of access ramps to public waters under their control	HB 202
executive director	
actions and decisions, commission guidance and approval	HB 712
deer season set after consultation with commission	HB 302am
use of Wallop-Breaux federal funds	HB 286
fish, sale by weight, requirements	HB 88
fishing	
by permit, students at Pike's school in Haverhill	HB 272
without license, one day a year	SB 47
fund, estimate of unrestricted revenue	HB 200

Fish and game (cont.)

- hunters, discharge near dwellings, distance increasedHB 358
- hunting
 - Bow, weapons limited to shotgun, muzzle loading rifle, or bow and arrow in specified portion of townHB 27
 - while intoxicated, alcohol concentration replacing blood alcohol contentSB 14
- interference with hunters, trappers, and fishermen prohibited; violationHB 345
- licenses
 - fees increasedHB 271
 - hunting and fishing, paraplegics, free for lifetime; reciprocityHB 186am
 - surcharge, wildlife habitat conservation fund for land acquisitionHB 249
 - suspended or revoked in another jurisdiction, NH license prohibitedSB 199
- lobsters, management program; legal length increasedHB 38am
- moose hunting prohibitedHB 188
- offenses regarding game animals, fur-bearing animals, and guides, statute of limitations extendedSB 6
- OHRV exceeding decibel levels, mandatory fine; distribution of finesHB 257
- publications and specialty items revolving fundHB 764am
- raccoons, night hunting, light from motor vehicle prohibitedHB 37
- regional offices, 1987 capital improvements appropriation extendedHB 100
- search and rescue
 - appropriationHB 215
 - fundHB 764am
- shellfish flats, closure due to pollution, studyHB 546am
- trapping, metal leg traps prohibitedHB 363
- violations, uniform fine schedule; pleas by mailHB 99

Flag, US, urging congressional legislation against desecrationHR 31

Flood control

- reimbursements to cities and towns, time changedHB 119
- towns reimbursed for taxable property taken by USHB 766

Flynn, Richard M., safety commissioner, communication about watercraft safety hearings.1142

Food service establishments

- and stores
 - licensing feeHB 764
 - operation without license, injunctive reliefHB 107
- truth in menus requiredHB 362

Food stamps, eligibility, transfer of property removedHB 97

Food stores, price marked on each itemHB 591

Foreign corporations, fees increasedHB 764

Forest products, slash and mill residue near standing bodies of water and occupied structures; terminology changedSB 18

Foresters, licenses, disciplinary action, penaltiesHB 409

Forestry

- and land resources, additional appropriationHB 777
- towns discouraged from using zoning to restrictHB 457

Forests

- cutting
 - near water and highways, exemptions and enforcementHB 486
 - notice of intent filed with wetlands board and DREDSB 22am
- public, town tax abatements to be within amounts appropriatedHB 764
- state and national, tax abatement procedure changed; time for reimbursements to cities and towns changedHB 119

Forests and lands

- director
 - cease and desist ordersSB 18
 - permission for clear cutting in certain forests requiredHB 753
- division, regulation of floating timberSB 10

Forfeiture

- drug offenses
 - affidavit of indigency in lieu of bondSB 32
 - fund cap increasedHB 258

Forfeiture (cont.)

solid waste management offensesHB 586

Foster care, supplemental appropriationHB 762**Foster family group home**, repealedHB 145**Foundation aid**

appropriation automatically increased by sweepstakes revenues in excess of estimateSB 154

distribution from sweepstakes revenue for 1989 changedHB 762

sources of funds specifically identifiedHB 448

Franchise tax, allocationHB 119am**Franconia Notch state park**

additional appropriationHB 777

certain operating costs a direct charge against gross sales receiptsHB 157

Franklin

district court construction, lease-purchase agreement between city and supreme court:

appropriationHB 329

transportation corridor, community oriented planning studyHB 305

Fraternities, hazing prohibitedHB 740**Friendship house**, 1989 appropriation reducedHB 762**Fund raising counsel**, compliance with reporting requirementsHB 764am**Funeral directors and embalmers**

board, regulation of crematories transferred from public health servicesHB 106

nonresidents moving to NH, license qualificationsHB 428

Fur-bearing animals, metal leg traps prohibitedHB 363**G****Gambling**

bingo

charitable organizations, 4 big game events per year; limitations; 5% tax on proceeds ..HB 441

charitable organizations conducting, sons and daughters 18 may assistHB 464

senior citizens, prize value increasedHB 336

video poker machinesHB 242

Gamvas, Rev. Dr. Nicholas V., prayer for peace and thanksgiving41-42**Gap mountain**, Monadnock advisory commission, members, terms; unanimous disapproval

of DRED policiesHB 47

Garbage, raw, feeding to swine prohibited; animals quarantined, administrative fine for

violationsHB 117

Gardner, William M., elected secretary of state12**Gas pipelines**, violations, penalties increasedHB 616**General court**

1989 appropriation reducedHB 762

biennial sessionsCACR 1

disapproval of administrative rulesCACR 5

employees

and officials, transfer to classified service, annual and sick leave retainedHB 273

salaries increasedHB 767

items of historical value, acquisition appropriationHB 200am

members

child care servicesCACR 8

code of ethicsHB 704

compensation removed from constitutionCACR 12

removal for absenteeismCACR 14

General fund, estimate of unrestricted revenueHB 200**General government**, additional appropriationHB 777**Geologists**, natural scientists' board jurisdiction, studySB 185am**Gifted and talented education**, 1989 appropriation reducedHB 762**Gifts to minors**, uniform act, termination of custodianshipSB 12

H

Habitual offenders, motor vehicle laws, driving without license removed from offenses . . . HB 103

Hampton
beach
alcohol, drug, and AIDS counselors, outreach program HB 418
seawall, refurbishing and weatherizing old section; appropriation HB 32
state park, “walk on” user fee rule rescinded HB 171
state park, lifeguard facility, renovation appropriation; dedication to David S. Thomas . . HB 173

Hampton (cont.)
property tax credit for real estate not connected to a sewer lineHB 610

Handicapped
architectural barrier free design code, new public buildingsHB 100
crossbow, special permitHB 351
head injury advisory councilHB 577
mobility impaired person accompanied by service dog, access to public placesHB 611
optional tax exemption for improvements to assist handicappedHB 599
paraplegics, free hunting and fishing licenses; reciprocityHB 186am
places of public accommodation, discrimination prohibited; accessibility requirements . . .HB 670
students, medically related services, medicaid reimbursement to educational agencies . . .HB 417
supported employment and independent living programs, vocational rehabilitation
divisionHB 138
voters, accessible polling placesHB 558
walking disabled defined; special number plates, decals, or cards; parking privilegesHB 587

Harbor management plan, port authority studyHB 693

Hartman v. NH Department of Public Works and Highways, settlement of claim,
appropriationHB 11

Hazardous materials
expanded polystyrene sheathing prohibited in new housesHB 314am
incidents, emergency response funding committeeHB 394
response plan, additional appropriationHB 777
training and planning, legislative oversight committeeHB 777
transportation advisory board, membership increased; subcommittees appointedHB 745

Hazardous waste
accidents, contamination of police, fire, or emergency equipment, financial responsibility
for cleanupHB 497am
appeals to waste management councilHB 465
cleanup
fund, limited enforcement costs paid fromHB 19
landowner's liability limitedSB 27
liability not limitedSB 110
liens on residential real property, priorityHB 285
facilities
air emission control and ash monitoring programsHB 689
transfer of permits, hearings; notification of abutters; disclosure of ownershipHB 586
liquid, transporters to measure; penaltySB 50
management violations, administrative finesHB 128
pesticides disposal program for farmersHB 56
pollution, environmental risk insurance poolHB 433
sites photographed by waste management divisionHB 20
transporters, identifying logo on containerHB 729

Hazing, prohibited by student organizationsHB 740

Head Start program
contracts, additional appropriationHB 777
supplemental appropriation; distribution of fundsHB 374

Head injuries
advisory councilHB 577
information registryHB 697

Health
and human services
1987 YDC capital improvements appropriation extendedHB 100am
1989 appropriation reducedHB 762
additional appropriationHB 777
appropriation reducedHB 200am
board of medicine rules monitored for consistency with statutory authorityHB 187
capital improvements appropriationHB 100
community care facility, 1987 capital improvements appropriation extendedHB 100am
head injury information registryHB 697
transfers authorized in mental health division PAUHB 101
transfers within Laconia developmental services PAUHB 764am
and social services, additional appropriationHB 777

Health (cont.)

care	
access for the uninsured, study	HB 300
durable power of attorney, study	SB 76am
facilities, acute care, moratorium on certificate of need approval or construction	SB 120
facilities, administrative fee changed	HB 764
facilities and personnel, tests ordered by law enforcement officer, liability limited	HB 221
facilities, infection control officer, notification to medical referral consultant of source	
individual infection	SB 87
facilities, licensing, 1989 appropriation reduced	HB 762
task force on increasing provider participation in medical assistance	HB 429
insurance, cancellation notices	HB 524
maintenance organizations, certificate of authority, capital requirements; mental and nervous	
conditions, coverage	HB 66
risk assessment	
1989 appropriation reduced	HB 762
additional appropriation	HB 777

Hearing aids, advisory council, members, restriction deleted HB 554

Hearings office, administratively attached to education department, appropriation. HB 139

Higher education

college savings bond program	HB 226
fund	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
excess receipts may be spent	HB 200

Highway fund

estimate of unrestricted revenue	HB 200
revenues	HB 725

Highway surplus account, reimbursed for Cornish-Windsor bridge reconstruction;

appropriation	SB 58
---------------	-------

Highways

10 year plan amended; Salem-Pelham ramps added	HB 199
alteration, hearing, notice time to abutter increased	HB 316
between I-89 and I-91, Sullivan and Cheshire counties, study	HB 408am
class V, conditional layout over existing class VI	SB 118
classification, Seabrook	HB 197
dedicated ways, abandonment by vote of governing body	SB 29
Eastern NH turnpike	
Dover to Newington, environmental impact and preliminary design study, appropriation;	
traffic problems on routes 16 and 302 in Mt. Washington Valley	SB 152
exit 10 construction, appropriation	SB 33
Hooksett, study by transportation department	HB 193
improvement fees paid by subdivision developer	HB 744
interstate, federally funded, vending machines operated by blind	HB 69
joint committee on highway and bridge plan oversight	SB 19
land acquisition for ramp onto route 3 northbound at MA line	SB 104
maintenance bureau, additional appropriation	HB 777
Raymond bypass on route 101, funds lapsed to highway fund	SB 150
reclassification, Belmont and Carroll	HB 182
route 101, Epping to Stratham, reconstruction priority	SB 151am
route 101A, alternative corridor along Nashua's southwest beltway	HB 292am
routes 3 and 11 improvements, community oriented study for implementation	HB 305
signs, directional and informational for charitable and nonprofit organizations	HB 520
state, towns may petition transportation commissioner to lower speed limit to 25 in urban	
districts	HB 505
Storrs Street to I-393, Concord, feasibility study; appropriation	HB 224
summer cottages, designation	SB 9
turnpikes, additional funds transferred from general reserve account	HB 247

Hillsborough county

convention, delegation coordinator	HB 338am
courthouse, 1987 capital improvements appropriation extended	HB 100am

Hilton, Sgt. Roger, police barracks in Milford dedicated to HB 582am

Historical resources division

CCC buildings at Bear Brook state park, possible nomination for National Register of Historic Places	HB 256
consultation regarding restoration of covered bridges	HB 557
dismantling and preserving of original state house, Portsmouth; appropriation	SB 61

Holidays

Martin Luther King day, no fiscal impact on state	HB 169
wages for week based on 40 hours	HB 757

Home

inspectors, licensed by real estate commission	HB 322
mortgage guarantee authority, study	SB 69
rule charters, study committee report deadline extended	HB 74

Homicide, negligent, penalty increased	HB 288
---	---------------

Honeybees, inspection of apiaries and prevention of colony contamination, appropriation . . .	HB 58
--	--------------

Hooksett

highways and bridges, study, appropriation	HB 193
school district election corrected	HB 155

Horses

equine infectious anemia, positive reactors, freeze marking to replace lip tattoo, quarantine, rules, administrative fines	HB 63
racing, purse fund increased; increased taxes limited to specific years	SB 132

Hospital, NH

1987 capital improvements appropriation extended	HB 100am
1989 appropriation reduced	HB 762
additional appropriation	HB 777
appropriation reduced	HB 200am
capital improvements appropriation	HB 100
commitment for observation in criminal cases at state expense	SB 15

Hospital service corporations

group policies	
chiropractic coverage	HB 698
mental health coverage, benefits changed	HB 666
insurance, cancellation notice	HB 524

Hospitals

acute care	
and specialty, administrative fee changed	HB 764
bed needs, study	SB 120am
and personnel, tests ordered by law enforcement officers, liability limited	HB 221am
licensing, 1989 appropriation reduced	HB 762
medical information deemed property of patient	HB 511am
pronouncement of death by nurses	HB 60

Hotels

alcoholic beverages	
license fee increased	HB 764am
service areas expanded	SB 94
on-sale wine licenses, discount and credit terms	HB 652
seasonal defined for purposes of determining overtime compensation	HB 191

House of representatives

clerk. See: Clerk	
journal. See: Journal	
meetings, cancellations	HR 8
members	
committee assignments	15-23
deaths	1212
qualified	24-25, 53, 115, 688, 869, 1194, 1212
resignations	52-53, 258, 395, 1193-1194, 1212
salaries and mileage, time of payment	HR 9
seat assignments, committee appointed	HR 2
rules. See: Rules, House	

House parties where minors consume alcoholic beverages or controlled drugs prohibited . .	HB 684
--	---------------

Houses, new, expanded polystyrene sheathing prohibited	HB 314am
---	-----------------

Housing

- adult program special needs allowance; appropriationHB 334
- appeals board, low and moderate income housingHB 756
- finance authority
 - child care provider guaranteed loan programSB 177
 - home mortgage guarantee authority, studySB 69
 - low and moderate income housing loan program, use of funds expanded; investment
 - of funds, portion for administrationHB 110
 - overriding ordinances for construction of affordable housingHB 548
 - surplus state property, notification to council on resources development, county, and
 - municipalityHB 580
- habitability standards, minimum, enforcementHB 685
- low and moderate income, requirements for towns to qualify for conservation fundsHB 641
- presite built and components, certification by transportation departmentHB 519
- standards, towns with codes or ordinances with appeals provisions exempt from housing
 - standards lawHB 477
- subsidized, termination, notice to tenants and housing finance authorityHB 635am
- temporary, committee to locate for AIDS or cancer victimsHB 647
- voucher aid pilot program; appropriationSB 170

Hovercraft, prohibited on Canaan Street Lake, CanaanHB 353

Human immunodeficiency virus. See: AIDS

Human resources, Head Start

- contracts, additional appropriationHB 777
- program, supplemental appropriation; distribution of fundsHB 374

Human rights commission

- additional appropriationHB 777
- enforcement of equal pay actHB 664

Human services

- 1989 appropriation changedHB 762
- additional appropriationHB 777
- administration of catastrophic aid, spousal impoverishment provisionsHB 674
- adult program special needs allowance; appropriationHB 334
- AFDC eligibility, unemployment of parent principal wage-earnerHB 95
- child care providers, revolving loan fundSB 177
- child medical support orders, enforcementSB 63
- child support guidelines reviewed for 2 yearsHB 677
- data collection from AFDC applicants; appropriationSB 153
- employer information on delinquent child support obligor; subpoena power and administrative
 - support orders; judicial reviewSB 45
- enhanced family care facilities, board and care rate increased; appropriationHB 424
- families with earnings below poverty level, emergency assistanceHB 386
- liens on nursing homes and intermediate care facilities to recover medical assistance
 - paymentsHB 92
- low income pregnant women, infants, and children, medicaid services and eligibility
 - expandedHB 429
- medical assistance recipients in nursing homes, personal needs allowance increasedHB 96
- physicians transferred to unclassified serviceHB 273
- termination proceduresHB 109
- pre-admission screening for nursing homes and intermediate care facilities expanded re
 - medical assistanceHB 94
- public assistance, eligibility, transfer of property at less than market value prohibited . . .HB 97
- reimbursement to counties and towns for general assistance fund payments for prescription
 - drugsHB 98
- rulemaking, dental assistanceSB 113
- supplemental appropriationSB 4
- wage withholding for child support mandatory; immediate except for good cause; extended
 - until arrearage is eliminatedSB 46am

Humanities Council, summer institutes for teachers; stipendsHB 379

Hunting. See: Deer hunting, Fish and game

Hypodermic syringes, prescriptions, oral or written, good for one yearHB 53am

I

Immunization program, additional appropriationHB 777

Impact fees

authorization act	HB 572
capital improvements	HB 588
study	HB 758
selectmen not authorized to set or adjust	HB 259am

Implied consent

alcohol concentration replacing blood alcohol content	SB 14
refusal or positive result, immediate administrative license revocation	HB 672
sample large enough for 2 tests; competency of additional test administrators determined by public health services	SB 144

Incinerator , siting in town, local option	HB 526
---	--------

Income tax, interest and dividends

exemptions	
age 70, additional; age 75 not taxed	HB 438
increased	HB 340
notice with original driver's license application that tax may be due	HB 460am
overdue filing, penalty	HB 320
repealed	HB 269

Independent living program, handicapped and elderly blind, vocational rehabilitation

division	HB 138
----------------	--------

Indian Pond , Orford, motorboats restricted to 6 hp	HB 222
--	--------

Indigent defendants

attorneys' fees	
additional appropriation	HB 777
supplemental appropriation	HB 762
	SB 4
compensation for investigative services authorized by district courts	HB 114
repayments to cost containment unit, administrative services	HB 518

Industrial development authority , bonds for capital improvements to Manchester airport ..	HB 509
---	--------

Industries , good student discounts	HCR 5
--	-------

Information services director, transportation, safety, and postsecondary technical education

departments' data processing operations exempt from authority	HB 50
---	-------

Inheritance tax , exemption, person designated by decedent in will	HB 342
---	--------

Initiative petitions	CACR 6
-----------------------------------	--------

indirect	CACR 15
----------------	---------

Inns , seasonal, defined for purposes of determining overtime compensation	HB 191
---	--------

Insanity , criminal procedure, commitment to NH hospital for observation at state expense ..	SB 15
---	-------

Insurance

accident and health	
cancellation notice	HB 524
group policies, chiropractic coverage	HB 698
group policies, mental health benefits, study	SB 65am
group policies, mental health coverage, benefits changed	HB 666
group policies, part-time employees	HB 266
group policies, retired state employee defined	HB 589
claims adjuster, licenses, written examination exemption	HB 443
collision damage waivers by motor vehicle rental companies, requirement prohibited	HB 118
commissioner	
information from examinations and investigations confidential	HB 44
regulation of bail bondsmen transferred to securities regulation director	HB 43
companies	
life, legal investments, African Development Bank	HB 355
overpayment of taxes or fees, credit or cash refund	HB 655
premium refunds	HB 493
surplus lines, study	HB 227
credit life and accident and health, premium refunds, time limit removed	HB 463
department	
additional appropriation	HB 777
appointment of employees, limitation removed; actuarial review of rate filings, expenses borne by insurer	HB 42

Insurance (cont.)

- department (cont.)
 - environmental risk poolHB 433
 - experience modification method of determining risks, studyHB 293
- liability
 - additional reports requiredHB 179
 - motor vehicle collision coverage deductible not applicable in certain collisions with
 - uninsured motoristsHB 370
 - motorcycles, discount for completion of rider education programHB 270
 - volunteers for nonprofit organizations, special compensation fundHB 275
- long term care for elderlyHB 375
- medicare allowance below physician's charges, studyHB 255
- mutual companies, initiated by townsHB 713
- policies, optional premium for fire service training fundHB 682

Interest

- finance charges on credit cards restrictedHB 162
- taxes, late payment, less than \$5 may be waivedHB 454

Intermediate care facilities

- liens for medical assistance paymentsHB 92
- pre-admission screening expanded re medical assistanceHB 94

International recycling logoHB 746**International trade activities, development in NH, studyHB 251****Intertidal lands, leasing, port authority fees; rulemaking; studyHB 693****Investments, state treasurer, corporations doing business in Northern Ireland, adherence to MacBride principlesHB 223****Islands**

- residents, alternative tax evaluationsHB 361
- tax exemptionsHB 739

J**Jefferson, Currier, & Co., Inc., of Manchester, charter reinstatedHB 530am****Jerusalem, international control supportedHCR 4****Jet skis. See: Personal watercraft; Ski craft****Joint committee on highway and bridge plan oversightSB 19****Joint legislative fiscal committee, approval of employment of assistants by attorney generalHB 764****Joint oversight committee on issues regarding children.HB 262****Journal**

- corrections, use of tapesHR 4
- daily, policy for distribution to citizensHR 7

Judges

- and judicial employees, salaries increasedHB 767
- retirement pay, vesting rights and contribution, studySB 82
- salaries increasedSB 146

Judicial branch

- 1987 capital improvements appropriation extendedHB 100am
- 1989 appropriation reducedHB 762
- additional appropriationHB 777

Judiciary, state of, David Brock, C.J., invited to address joint conventionHCR 6**Junkyards**

- environmental impact statementsHB 540
- regulations, solid waste facilities exemptHB 657

Jury

- 6 members in civil and certain criminal trialsCACR 13
- duty, veterinarians exemptHB 310
- petit, criminal cases, oath modernizedHB 17
- selection, from drivers' lists and voter registration lists, report by superior courtHB 609am

Justice

and public protection, additional appropriation	HB 777
department	
consumer protection bureau, registration of automatic telephone dialing systems	HB 373
enforcement of residential telephone solicitation	HB 268
review of use of victims' assistance fund	HB 764am
victims' assistance program	HB 578
Juvenile camps , license fee increased	HB 764
Juvenile delinquents	
home detention, restitution, uncompensated public service, contempt	HB 140
liability for placement expenses for minor mother to include child	HB 144
publication of names of those convicted of certain drug offenses.	HB 498
Juvenile justice system study, date extended.	HB 262

K

Keenan , Rev. Thomas, guest chaplain.	1102
Keene	
Dillant-Hopkins airport, 1986 capital improvements appropriation extended	HB 352
state college	
1989 appropriation reduced	HB 762
additional appropriation.	HB 777
state documents distributed to library	HB 602
Kidder , Rep. William F., reading of poem, "Bill's in Trouble"	1156
Kidney dialysis patients tested for AIDS.	HB 453
Kindergartens	
corporal punishment and licensing procedures, study.	SB 112am
financing study	HB 683
King , Martin Luther, holiday, to replace fast day.	HB 169
Koveas , Father Emmanuel, guest chaplain	1187

L**Labor**

boilers and pressure vessels, inspection fee increased	HB 764
catastrophic medical leave, minimum standards.	HB 732
commissioner	
advisory committee, medical, hospital, and remedial care under workers' compensation	
monitored.	HB 615
assessment of fines for frivolous workers' compensation actions	HB 116
elevator inspectors license fees and fees for examination of new installation plans	
increased	HB 764
enforcement of equal pay act transferred to human rights commission	HB 664
minimum wage	
increased; nursing home exemption repealed	HB 189
seasonal defined for purposes of determining overtime compensation	HB 191
minors enrolled in school, restrictions on employment.	SB 203
part-time employees, insurance benefits	HB 266
protective legislation concerning hours of labor for women repealed, applicable to youth	
employment law.	HB 163
public employees collective bargaining	
agreements not subject to municipal budget appropriation limitations	HB 190
binding arbitration	HB 626
cost items and neutral party recommendations submitted to legislative body without	
amendment	HB 593
supervisors and employees supervised in same union.	HB 165
unit size reduced.	HB 164
state employees collective bargaining	
issues expanded.	SB 79
no agreement within 120 days of budget submission date, offers made public.	HB 333
week with holiday, wages paid for 40 hours	HB 757

Laconia

developmental services	
1989 appropriation reduced	HB 762
additional appropriation.	HB 777

Laconia (cont.)

developmental services (cont.)

appropriation reduced	HB 200am
buildings and grounds use, study	HB 349
capital improvements appropriation	HB 100
PAU, transfers within by health and human services commissioner	HB 764am
redeployment of clients, study	HB 764am
transportation corridor, community oriented planning study	HB 305
vocational technical college, additional appropriation	HB 777

Lake Massasecum outlet and Warner River, Bradford, hydrologic study	HB 344
--	--------

Lake Wentworth , Wolfeboro, ski craft prohibited	HB 49
---	-------

Lakes

and ponds

in the White Mountain national forest, study to determine ownership, access, and responsibility for boat ramps	HB 254am
inaccessible to public, stocking by fish and game department prohibited	HB 309
management and protection program, environmental services; advisory committee	HB 442
operating restrictions on public waters, committee to review, hearings	HB 582
Regional Planning Commission, community oriented transportation study, certain highways; appropriation	HB 305
shoreline protection study	HB 755

LaMott , Rep. Paul I., res honoring	HR 29
--	-------

Lamprey regional solid waste cooperative , landfill construction in Somersworth, bonds authorized	HB 459
--	--------

Land

bordering tidal waters redefined for jurisdiction of wetlands board	HB 80
conservation	
investment program, appropriation	HB 100
or recreation, sale to state, business profits tax credit	SB 141
restrictions, assessment not greater than open space land	HB 552
held less than 5 years, capital gains tax	HB 419
open space	
current use values not adjusted to comply with equalization	HB 623
current use and use change tax, recording fee	HB 119
posted for public use	HB 517
use change tax, rates changed	HB 604
purchase by DRED, appropriation, requirements	HB 200
sales full disclosure, subdivision application fee increased	HB 764am
state owned, laws concerning retention, study	HB 603
submerged, leasing policy, office of state planning to study	HB 693
surveyors	
condominiums, floor and site plans certified	HB 563
joint board, supplemental appropriation	HB 762
practice defined; board size increased; temporary permits; expiration and renewals, time changed	SB 43
survey of town boundary lines instead of perambulation	HB 170
use boards, members, consecutive terms limited	HB 687

Landfills

active and inactive, study; closure program	HB 423
reduction and cleanup program	HB 734
standards for closing by waste management	HB 722

Landlord and tenant

campgrounds, notice to camp owners' association before sale	HB 153
eviction, notice of right to contest; violations of fitness; owner identification	HB 685
manufactured housing parks	
notice time to tenants before sale increased; penalty, percentage of sale price	SB 158
regulation of rent increases	HB 542
rent control	HB 727
tenants with AIDS, eviction prohibited	HB 237
termination of subsidy, notice to tenants and housing authority	HB 635am
wintertime evictions, prohibition	HB 638

Landowners , liability limited for certain pollution cleanups	SB 27
--	-------

Landscape architects, definitions, certification	SB 192
Language, English, official language of NH	HB 48
Law enforcement	
agencies, accreditation assistance program	HB 198
agency responsible for drug seizure, portion from forfeiture sale increased	SB 97
officers	
part-time, workers' compensation benefits	HB 297
purchase permit required for a pistol or revolver	HB 356
simple assault on, mandatory penalty	HB 276
private business not charged for unrequested police protection	HB 662
Lay-midwives, license required; rulemaking by public health services	HB 105
Leary, Warren W., elected sergeant at arms	12
Leases, uniform commercial code, article 2A	SB 173
Lefebvre, Rep. Roland J., poem, "Progranitors"	856
Legislative branch, 1989 appropriation reduced	HB 762
Legislative employees	
retirement system, group 1, membership optional	HB 742
salaries increased	HB 767
Legislative offices, recycling, 25% solid waste reduction encouraged	SCR 2
Legislative oversight committee on	
data processing	HB 764
hazardous material training and planning	HB 777
Legislative parking garage, Concord, bonds reduced by sale of Storrs Street garage	HB 440
Liability	
insurance	
additional reports required	HB 179
motor vehicle collision coverage deductible not applicable in certain collisions with	
uninsured motorists	HB 370
motorcycles, discount for completion of rider education program	HB 270
volunteers for nonprofit organizations, special compensation fund	HB 275
joint and several, damages	SB 110
limited	
corporation directors and officers in articles of incorporation; exceptions	SB 5
firemen and emergency rescue service personnel	HB 596
health care facilities and personnel acting on request of law enforcement officer	HB 221
landowner for pollution cleanup	SB 27
renters of motor vehicles	HB 118
volunteers from nonprofit organizations assisting police standards and training council	HB 82
Libraries	
arts, and historical resources commissioner	
museum property act administration, rulemaking	HB 244
and division directors' qualifications; state library advisory council, membership, duties,	
and terms	HB 102
user records confidential	HB 36
Licenses	
alarm installers	HB 437
and permits, selectmen to set fees for programs established by vote	HB 259
bail bondsmen regulated by securities regulation director	HB 43
cats, local option	HB 64am
dogs. See: Dogs, licenses	
drug manufacturers and wholesalers, dates changed	HB 77
elevator inspectors fees increased	HB 764
engineers and land surveyors, temporary permits for nonresidents	SB 43
estheticians	SB 174
food service establishments and stores	HB 107
fee	HB 764
foresters	HB 409
gas fitters	HB 421
home inspectors	HB 322
hunting and fishing. See: Fish and game, licenses	

Licenses

insurance claims adjuster, written examination exemption	HB 443
juvenile camps, fee increased	HB 764
lay-midwives	HB 105
marital mediators	HB 571
massage practitioners and establishments	HB 108
mental health practitioners	HB 574
ophthalmic dispensing	HB 444
pedicurists	HB 341
physical therapists, board of medicine requirements not to exceed statutory requirements; references from physicians licensed in any state	SB 127
physician assistants	HB 376
real estate appraiser	HB 430
respiratory care practitioners	HB 371
securities dealers and investment advisors, fees	HB 124
solid waste transporters	HB 360
utility poles, exception for existing locations	HB 489

Liens

counties, reimbursement for expenses of children delinquent, abused or neglected, or in need of services	HB 625
nursing homes and intermediate care facilities to recover medical assistance payments	HB 92
priority, hazardous waste cleanup costs, residential real property	HB 285
removal of nuisances	HB 597
tax, notice of availability before tax sale	HB 600

Life safety code , new public buildings	HB 100
--	--------

Lilac program , appropriation	HB 777
--	--------

Limitation of actions

certain fish and game offenses, extended	SB 6
damages from construction, study	HB 348
governmental units, 3 years	HB 298
volunteers for nonprofit organizations, liability coverage; special insurance compensation fund	HB 275

Limitation of liability

directors and officers in articles of incorporation; exceptions	SB 5
firemen and emergency rescue services personnel	HB 596
health care facilities and personnel acting on request of law enforcement officer	HB 221
landowner for certain pollution cleanups	SB 27
renters of motor vehicles	HB 118
volunteers from nonprofit organizations assisting police standards and training council . . .	HB 82

Limitation of recovery , wrongful death actions, increased	HB 367
---	--------

Liquor commission

1987 funds lapsed; supplemental appropriation for relocation of stores	HB 762
1989 appropriation reduced	HB 762
appropriation reduced	HB 200am
capital improvements appropriation	HB 100
executive director eliminated	SB 23

Literacy

instruction and dropout prevention study extended, additional report	HB 161
pilot reading recovery program	SB 109

Little Lake Sunapee , New London, ski craft prohibited	HB 469
---	--------

Littleton

federal courthouse, appropriation used for renovation of Rochester post office as district court	SB 31
meeting legalized	HB 152

Livestock

auctions and shipping, violations, administrative fines	HB 62
events, withholding food or water, cruelty to animals	HB 576

Lobsters, management program; legal length increased; no future agreements unless

spousal tax repealed	HB 38am
--------------------------------	---------

Logging , clear cutting, permission required in certain forests	HB 753
--	--------

Logs , floating, permit required	SB 10
Londonderry , industrial sites, septic holding tanks for 3 years	HB 482
Long , Rep. Linda D., remarks on leaving the House	1192-1193
Long range capital planning and utilization committee, capital improvement plan	HB 715
Long term care insurance act	HB 375
Look-alike toy , defined, distinctive marking	HB 312
Lotteries , state run, revenues restricted to education	CACR 7
Low and moderate income	
home buyers, home mortgage guarantee authority	SB 69
housing	
housing appeals board	HB 756
loan program, use of funds expanded; investment of funds by housing finance authority, portion for administration	HB 110
Low income	
health care access, study	HB 300
housing, supplemental grants to school districts based on assisted housing units, study ..	SB 138am
Low level radioactive waste , management and disposal	HB 586am
Lucky 7 , additional appropriation	HB 777

M

McAuliffe , Christa	
memorial fund, 1987 appropriation extended	HB 764am
planetarium	
director, unclassified position, appointment by commission	SB 51
fund, appropriation	HB 777
MacBride principles , adherence to by corporations doing business in Northern Ireland for investment by state treasurer	HB 223
McCall , Rev. John B.	
prayer	1
selected chaplain	24
Maine , income tax, spousal, NH residents, repealed before future agreements on legal length of lobsters	HB 38am
Maintenance orders , wage assignment	HB 483
Manchester	
airport	
1987 capital improvements appropriation extended	HB 100am
and highway study, task force to implement	HB 384
capital improvements, revenue bonds issued by industrial development authority	HB 509
Central high school, boys' basketball team, res commending	HR 21
vocational technical college	
additional appropriation	HB 777
capital improvements appropriation	HB 100
residential specialist program	HB 581am
Manufactured housing	
new, expanded polystyrene sheathing prohibited	HB 314am
parks	
notice time to tenants before sale increased; penalty, percentage of sale price	SB 158
regulation of rent increases	HB 542
rent control	HB 727
Manufacturers' sales representatives , post-termination commissions, time for payment; civil damages	SB 16
Manus , Rep. Mark E., res on death	HR 28
Marinas , permits for construction recorded in registry of deeds	SB 60
Marine patrol , volunteer program	HB 317
Marine research and development	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
Marital mediators , certification; disciplinary actions, communications privileged	HB 571
Marlborough meeting legalized	HB 155am

- Marriage**
 - adultery decriminalizedHB 18
 - license fee increased to fund domestic violence programsSB 99
- Martin Luther King holiday**, to replace Fast day.....HB 169
- Mascoma regional high school**
 - boys' basketball team, res commendingHR 19
 - girls' basketball team, res commendingHR 18
- Massage practitioners and establishments**, regulated by public health services; advisory board; injunctive relief.....HB 108
- Maternal and child health**
 - 1989 appropriation reducedHB 762
 - bureau, low-income families, health services for children; appropriation.....HB 435
- Meals and rooms tax**
 - 1% increase for campaign financing fundHB 415
 - exemption for meals prepared at state house cafeteriaHB 385
- Medicaid**
 - coverage for dental benefits, studySB 113
 - fraud, attorney general, additional appropriationHB 777
 - reimbursement program for medically-related services to handicapped students; appropriationHB 417
 - task force on increasing provider participation.....HB 429
- Medical assistance**
 - counties and towns reimbursed for general assistance fund payments for prescription drugsHB 98
 - eligibility
 - catastrophic aid, spousal impoverishment provisionsHB 674
 - transfer of property at less than market value prohibitedHB 97
 - payments, liens against nursing homes and intermediate care facilities.....HB 92
 - pre-admission screening expandedHB 94
 - recipients
 - availability of nursing home care, studyHB 209
 - nursing homes, personal needs allowance increasedHB 96
 - reimbursement rate for counties increasedHB 764
- Medical care**, access for the uninsured, study.....HB 300
- Medical examiner**, chief, autopsies, maximum cost to counties.....HB 619
- Medical grants**, human services division
 - additional appropriationHB 777
 - supplemental appropriationHB 762
- Medical records**, medical information deemed property of patientHB 511am
- Medical referral consultant**, notification of emergency response/public safety workers exposure to infectious diseaseSB 87
- Medical schools**, anatomical gifts, responsibility for transportation and preservation.....HB 748
- Medical service corporations**
 - group policies
 - chiropractic coverageHB 698
 - mental health coverage, benefits changedHB 666
 - insurance, cancellation noticeHB 524
- Medical waste**, treatment and disposal, oversight by waste management division; penalties .HB 544
- Medicare**
 - charges, reasonableHB 513
 - reimbursements, studyHB 255
- Medicine**
 - administration by direct care employees in community mental health programs.....HB 499
 - board of registration
 - 1989 appropriation reducedHB 762
 - executive director, salary increasedHB 368
 - physician assistants, licensingHB 376

Medicine (cont.)

board of registration (cont.)

- respiratory care practitioners, licensingHB 371
- rules consistent with statutory authorityHB 187

Mental and nervous conditions, insurance coverage by health maintenance

- organizationsHB 66am

Mental health

and developmental services

- coordination of regional family support councils; rulemaking; appropriationSB 195am
- criminal procedure, commitment to NH hospital for observation at state expenseSB 15
- developmentally disabled, advisory committee, priorities to reduce waiting lists for servicesSB 147
- direct care employees, administration of certain medicationsHB 499
- division, PAU transfers authorizedHB 101
- housing voucher aid pilot program; rulemakingSB 170
- medicaid reimbursement program for medically-related services to handicapped studentsHB 417
- studyHB 764am
- counselors, clinical, licensing boardHB 574
- division
 - 1989 appropriation reducedHB 762
 - additional appropriationHB 777
- facility, disclosure of client information limitedHB 502
- insurance
 - benefits, studySB 65am
 - coverage, group policies, benefits changedHB 666
 - practice board, authority; rulemakingHB 574

Mentally disabled, deinstitutionalization, studyHB 248**Merchandise, returned, cash refundHB 695****Merrimack high school coed cheerleading team, res honoringHR 25****Midwives, lay, license required; rulemaking by public health servicesHB 105****Milford, state police barracks, dedicated to Major John T. ContiHB 731****Milk**

- dealers, dairy cases identified; depositsHB 607
- sanitation board, membership increased; milk standards set by ruleHB 146

Minimum wage

- increased; nursing home exemption repealedHB 189
- seasonal defined for purposes of determining overtime compensationHB 191

Mining

- excavating sand and gravel, severance taxHB 382
- quarrying, and reclamation permits requiredHB 538

Minors

- abortions, parental consent requiredSB 136
- appeals to district courtHB 510
- age under 21, alcoholic beverages, mandatory fine for providing or misrepresenting ageHB 274
- alcohol or drug offenses, driver's license denied or revokedHB 168
-HB 288
- banks, service charges, prohibitionHB 343
- enrolled in school, restrictions on employmentSB 203
- hours of laborHB 163
- house parties with alcohol or controlled drugs prohibitedHB 684
- mothers, placement expenses, liability to include childHB 144
- motor vehicle violations, considered delinquentHB 624
- motor vehicles, learners, accompanied by licensed 25 year oldHB 528
- seat belts required to age 12HB 45
-SB 3
- uniform gifts to, termination of custodianshipSB 12
- victims in assault and abuse cases, statements not excluded, conditionsHB 359

Missing child education program, 1989 appropriation reducedHB 762**Monadnock advisory commission, members, terms; unanimous disapproval of DRED**

- policiesHB 47

- Monroe**, sewage treatment facility
 state aidHB 315
 state loan increasedHB 521
- Moorings**
 and boats
 removal for violation, owner may appeal within 5 daysSB 71
 without proper decals, removal by safety services director; small mooring sites defined ..HB 111
 public and congregate, approval by safety services directorHB 504
- Moose**, hunting, prohibitedHB 188
- Mortgages**
 discharge recorded by mortgagee, time increasedHB 467am
 home mortgage guarantee authority, studySB 69
- Motels**, seasonal defined for purposes of determining overtime compensationHB 191
- Motor carriers**
 common and contract
 defined to include solid waste transportersHB 360
 definitions; permits, fees, penaltiesHB 104
 intrastate, operators, specific medical requirements may be waivedHB 40am
- Motor fuel**, sale and delivery for boats, report repealedHB 103
- Motor vehicle road toll**, community action programs refundHB 330
- Motor vehicles**
 abandoned, procedures for removal, penaltiesSB 180
 alcoholic beverages, open containers prohibited, exceptionsHB 214
 antique, number plates issued same year as carHB 236
 bumper stickers, obscene, prohibitedHB 684
 certificate of title
 information required; fees increasedHB 103
 required for state owned vehiclesHB 176
 crossing unbroken painted line on highway prohibited, exception deletedHB 181
 damaged and rebuilt, disclosure; damage factor decalsHB 555
 director, motorcycle rider education programHB 270
 division, additional appropriationHB 777
 driver training fund
 \$150 per pupil paid to participating schoolsHB 447
 \$180 per pupil paid to participating schoolsHB 405
 driver's license
 commercial, definitions, requirements, restrictionsHB 147
 denied or revoked, minors involved with drugs or alcoholHB 168
 driving after suspension or revocation, penalty reduced under certain circumstances ...HB 115
 learner, minor accompanied by licensed 25 year oldHB 528
 minors and probationary, color codedHB 672
 original application, notice that interest and dividends tax may be dueHB 460am
 restoration fee increased; minimum penalty for reckless driving increasedSB 56am
 revoked or denied, minor convicted of alcohol or drug offenseHB 288
 social security number, requirement may be waivedHB 710
 suspended 6 months for drug offenseHB 705
 temporary, new residentsSB 106
 driving left of center of roadway when approaching intersection or railroad crossing,
 passing may be indicatedHB 184am
- DWI**
 aggravated, accident resulting in serious bodily injury, penalty increasedHB 288
 alcohol concentration replacing blood alcohol contentSB 14
 alcohol education program, reduction of recidivismHBI 2002
 enhanced damages in civil suitsHB 564
 emissions testing annually; definitions; exemptions; penaltiesHB 216
 fees increasedHB 103
 fines, unrestricted general fundHB 200
 habitual offender, driving without license removed from offensesHB 103
 implements of husbandry, wrecker, redefinedHB 103
 implied consent
 refusal or positive result, immediate administrative license revocationHB 672
 sample large enough for 2 tests; competency of additional test administrators
 determined by public health servicesSB 144

Motor vehicles (cont.)

inspections, valid same length of time as registrations; inspection station fee increased . . .	HB 103
internal combustion engines, prohibited on ice on Willand Pond, Somersworth and Dover .	HB 28
liability insurance, collision coverage deductible not applicable in certain collisions with uninsured motorists	HB 370
misdeemeanor or felony, minors considered delinquent.	HB 624
non-drivers, picture identification cards, age reduced to 14	HB 714
number plates	
permanent for community action programs	HB 330
special for commercial solid waste haulers	SB 157
special for firefighters	HB 649
special for former prisoners of war, use by widow	HB 383
special for relative of walking disabled	HB 587
special for retired veterans	HB 26
vanity, part of fees to highway fund	HB 725
race tracks, suspension of drivers convicted of controlled drug offenses	HB 569
records, distribution, not for commercial uses	HB 470
registration fee increased for air pollution control	HB 764
rental companies, collision damage waivers, requirement prohibited.	HB 118
seat belts	
children to age 12	HB 45
.	SB 3
required for drivers and front seat passengers; exemptions	HB 707
slow, driver impeding traffic, turn off to allow passing	HB 648
speed limit	
25 in business or urban residence district	HB 177
outside urban district may be reduced to 25 mph	SB 114
school zones	HB 180
trucks	
length exceptions, combinations	HB 365am
open bed, persons and pets prohibited; exceptions	HB 233
used, wholesale dealers, place of business in state and bond required	HB 103
voter registration at locations for registration and driver's license examination	HB 702
waste, reclamation or disposal funded from additional registration fees	HB 332
width increased	HB 51
windows, after market tinting prohibited	HB 103
	HB 277

Motorcycles

drivers, eye and face protection mandatory	SB 84
learner's permits; inspected annually	HB 103
registered for off highway use, additional fee, distribution	HB 287
rider education program; additional fees; insurance discount	HB 270

Mt. Monadnock, advisory commission, members, terms; unanimous disapproval of DRED

policies	HB 47
state park	
additional appropriation	HB 777
capital improvements appropriation	HB 100
certain operating costs a direct charge against gross sales receipts	HB 157
mountain manager to replace superintendent	HB 157

Mt. Washington

state park, certain operating costs a direct charge against gross sales receipts.	HB 157
valley, traffic problems on routes 16 and 302, study	SB 152am

Municipal budget law

collective bargaining agreements not subject to 10% appropriation limitation.	HB 190
exemption, public employee collective bargaining cost items and neutral party recommendations submitted to legislative body without amendment	HB 593
officials to submit statement of expenditures to budget committee	HB 192
recodified	HB 573

Municipal courts

additional appropriation	HB 777
finances for violating municipal ordinances returned to municipality after expenses	SB 56
pretrial detention hearings, appeal to superior court	HB 738

Municipal finance act, bonds, vote required, 60%**Municipal new school building fund, appropriation.**

HB 406

- Municipal prosecutors**, districtsHB 41
- Museums**, title to property loaned, procedure.HB 244
- Mutual funds**, open end, issuer fee for each series.HB 124
- Mutual holding company** conversion, same extent and limitations as mutual savings bankHB 323am
- Mutual insurance companies**, initiated by townsHB 713

N

- Names of candidates** on ballot, nickname permittedHB 475am
- Nashua**
- Bennington railroad, partial 1985 appropriation transferred to Tilton-Northfield railroad bridge appropriationHB 100am
 - high school
 - boys' soccer team, res honoringHR 30
 - girls' basketball team, res commendingHR 20
 - passenger rail advisory committee; membership; issues, compensation, reportSB 189
 - route 101A alternative corridor along southwest beltway, study extendedHB 292
 - vocational technical college
 - additional appropriation.HB 777
 - capital improvements appropriation.HB 100
- National Building Code**, *National Electric Code*, *National Plumbing Code*, and *National Mechanical Code*, adoption by referenceHB 473
- National forests**, tax abatement procedure changed; time for reimbursements to cities and towns changedHB 119
- National guard**, vehicles exempt from certificate of title requirementHB 176
- National Institute** of Standards and Technology replacing National Bureau of Standards. . . .HB 88
- National recycling policy**, petitioning congress.HCR 3
- National Register of Historic Places**, CCC buildings at Bear Brook state park, possible nomination.HB 256
- Natural resources**, removal, severance taxHB 382am
- Natural scientists**
- board, jurisdiction expanded to geologists, studySB 185am
 - joint board, supplemental appropriationHB 762
- New England** child support enforcement system, 1987 appropriation extendedHB 764am
- NH**
- bicentennial commission on the US Constitution
 - additional appropriationHB 200am
 - extendedHB 24
 - Department of Public Works and Highways*, *Hartman v.*, settlement of claim,
 - appropriationHB 11
 - energy authoritySB 205
 - Federation of Teachers, participation of officers and presidents of local unions in
 - retirement systemHB 654
 - Humanities Council, summer institutes for teachers; stipends.HB 379
 - public television
 - 1989 appropriation reducedHB 762
 - additional appropriation.HB 777
 - Scottish heritage weekHCR 2
 - State Fireman's Association, membership by call or volunteer firefighters deleted for
 - workers' compensation purposesSB 8
- Newell**, Benjamin C., former representative, res on deathHR 11
- News media**, publication of name of juvenile convicted of certain drug offenses.HB 498
- Newsprint** less than 50% recycled material, taxHB 746
- Noise**
- motorboats violating decibel limits, mandatory minimum fine.SB 95
 - pollution control standards and guidelinesHB 568

Nonprofit organizations

alcoholic beverage license fee increased	HB 764
and charitable organizations, directional and informational signs erected on highways	HB 520
buses, drivers investigated; driving rules same as for school buses; semi-annual inspections	HB 103
tax exemption for student housing	HB 679
volunteers	
assisting police standards and training council, liability limited	HB 82
liability coverage, special insurance compensation fund	HB 275
North Hampton , taxes, optional fiscal year	HB 537
Northeastern states , NH support for regional cooperation in solid waste reduction, recycling, and disposal	HCR 1
Northern Ireland , corporations doing business, adherence to MacBride principles for investment by state treasurer	HB 223
Northfield , transportation corridor, community oriented planning study	HB 305
Northwood meeting legalized concerning real estate tax liens	HB 14am
Notaries public , 3 year voter registration requirement deleted	HB 462
Nuclear power facilities , emergency evacuation, public education	HB 551
Nuisances , removal, liens to cover costs	HB 597
Nursery schools , licensing procedures, study	SB 112am

Nurses

board, certified nursing assistant defined; practice and certification standards; hearings procedure; appeals; appointments extended	HB 93
education and registration removed from education department	HB 71
pronouncement of death in hospitals	HB 60
scholarships and loan program	HB 410

Nursing homes

administrative fee changed	HB 764
administrators examining board, compensation; discipline; rulemaking; qualifications; temporary and conditional permits	HB 396
care	
availability study	HB 209
costs, county reimbursement to state reduced	HB 612
county, sheriff ineligible to be superintendent	HB 692
grants	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
supplemental appropriation	HB 762
	SB 4
liens for medical assistance payments	HB 92
long term care insurance	HB 375
medical assistance recipients, personal needs allowance increased	HB 96
minimum wage exemption repealed	HB 189
pre-admission screening expanded re medical assistance	HB 94
public assistance, reimbursement rate for counties increased	HB 764
Nursing programs , Claremont vocational technical college, expanded; appropriation	SB 182

O

Oath , petit jurors, criminal cases, modernized	HB 17
Obscene matter , bumper stickers and T-shirts, prohibited	HB 684
Odiorne Point state park , Rye, purchase of property surrounded by; appropriation	HB 279
Off highway recreational vehicles	
additional fee for fish and game search and rescue fund	HB 764am
fines continually appropriated for OHRV purposes	HB 151
mandatory fine for exceeding decibel levels; distribution of fines	HB 257
motorcycles, additional fee for off highway use, distribution	HB 287
operating while intoxicated, alcohol concentration replacing blood alcohol content	SB 14
reallocation of fees	HB 39
trail connectors on highway rights of way	HB 676

Oil

- fund disbursement board, additional appropriationHB 777
- pollution control laws, terminology clarifiedHB 150
- underground storage facilities, violation by operator, owner not liableHB 515

Old age assistance

- additional appropriationHB 777
- reimbursement rate for counties increasedHB 764
- supplemental appropriationHB 762
- SB 4

Open space land

- current use
 - and use change tax, recording feeHB 119
 - values, not adjusted to comply with equalizationHB 623
- posted for public useHB 517
- use change tax, rates changedHB 604

Operating budget

- 1989HB 200
- additional reductionHB 762
- additional appropriationsHB 777

Ophthalmic dispensing

- board, rulemaking authority, licensingHB 444
- definition, certificate of registrationSB 164

Ordinances, invalid, amendments subsequent to appealSB 98**Osgood, Rev. Daniel, invocation41****Outdoor advertising, directional and information signs on highways for charitable and nonprofit organizationsHB 520****Oversight committee on**

- data processingHB 764
- hazardous material training and planningHB 777

Oysters, license fees increased.HB 271**P****Packaging, disposal fee, exemptionsHB 746****Palestine, free and independent stateHCR 4****Palumbo, Rep. Vincent J., majority leader.11****Parent and child, adoption, information about fees and birthparents filed with probate court.HB 651****Parents**

- consent required for minor's abortionSB 136
- contempt of court, children delinquent or in of services.HB 140
- court ordered reimbursements, financial statement to include social security and insurance benefits.HB 142
- reimbursement to state weekly or monthly for expenses of children delinquent, abused, neglected, or in need of servicesHB 141am
- surrogate, contracts unenforceableHB 25

Pari-mutuel

- commission
 - 1989 appropriation reducedHB 762
 - racing laboratory expenses reimbursed to the state by licenseesHB 764
 - Rochester Mechanical and Agricultural Association appropriationHB 764am
- pools
 - dog racing, tax rate based on performance average; 2% increase to fund capital improvementsSB 100
 - horse racing, purse fund increasedSB 132

Parking

- garage, Concord, legislative and state government personnel; bonds; appropriationHB 440
- privileges for persons with walking disabilityHB 587

Parks

- and recreation division
 - additional appropriationHB 777
 - Cardigan state park improvements appropriationHB 354

Parks (cont.)

and recreation division (cont.)

CCC buildings at Bear Brook state park, rehabilitation study	HB 256
supplemental appropriation	HB 762
Weeks state park, Lancaster, electrical services improvement appropriation	SB 105
division	
1987 appropriation carryover repealed	HB 762
use of excess income for maintenance projects	HB 764am
use of excess revenue for operation of division	HB 200
state, beaches, DRED rulemaking not to include "walk on" user fees	HB 171

Partnerships

gross business profits redefined	HB 414
securities, registration by coordination; filing fee	HB 401

Pastoral psychotherapists licensing board HB 574**Paternity**, adjudication required in contested cases of support**Pease Air Force Base**, redevelopment commission, study**Pedicurists**, qualifications; licensing**Pelham**, access ramps from exit 1 on I-93 added to 10 year highway plan**Perambulation of town lines**, upon request of officials or incorporation of abutting town ...**Performance management system**, new classification plan for state employees**Performing arts facilities**, alcoholic beverages

license fee increased	HB 764
service before performance, time increased	HB 29

Perkins, Carl, federal grant, 30% to postsecondary vocational technical education

department	HB 90
------------------	-------

Personal watercraft

defined

replacing ski craft	HB 529
rulemaking and hearings by safety department	HB 703
hearings on use by safety department, bureau of hearings	HB 668

Personnel

director, reclassification requests disposed of within 45 days; retroactive pay begins period

following decision	HB 121
--------------------------	--------

division

requests for reclassification not considered until July 1990	HB 764am
task force consultant, supplemental appropriation	HB 762
state classification plan, performance management system	HB 250
system task force, salary ranges for state officials	HB 350

Pesticides

control board, rules, mandatory public hearing eliminated	HB 12
disposal program for farmers	HB 56

Petroleum, underground storage facilities, violation by operator, owner not liable**Pets** prohibited in open bed trucks**Pharmacists**

hypodermic syringes, oral or written prescriptions good for one year	HB 53am
prescription sale of alcoholic beverages, license fee increased	HB 764

Pharmacy board, disciplinary actions, civil penalties**Philbrook center**, 1989 appropriation reduced**Physical therapists**, licensing requirements not to exceed statutory requirements; references

from physician licensed in any state	SB 127
--	--------

Physician assistants, licensing**Physicians**

and surgeons, medicare

allowance below charges, study	HB 255
charges, reasonable	HB 513

Physicians (cont.)

corrections department, human services, and public health services, transferred to
unclassified systemHB 273
HB 109

Picture identification cards, non-drivers, age reduced to 14HB 714

Pike's school, Haverhill, students, fishing by permitHB 272

Pilot program, housing voucher aid program.....SB 170

Pipelines, small nonutility propane gas, safety regulation by fire marshalSB 197

Piscataqua River, dredging, repayment by state charged against treasury special fundHB 762

Pistols and revolvers

felonious use, sentence increasedHB 700
mandatory sentence for armed career criminalsHB 699
purchase permits and statements requiredHB 356

Pittsfield regional solid waste cooperative agreement legalized.....SB 121

Planetarium, Christa McAuliffe

director, unclassified position, appointment by commission.....SB 51
fund, appropriationHB 777

Planning boards

adoption of building codes; minimum requirements; national codes adopted by reference .HB 473
alternates for mayor, designee, or administrator prohibitedHB 337
cluster development discretionary; business ventures lowering property values prohibited .HB 550
decisions, filed and indexed with state planning office, public accessibility; appropriation .HB 225
members, consecutive terms limited.....HB 687
plats
approval, failure to act within 90 days, certificate issued by clerkSB 166am
crossing town lines, approval in both towns.....SB 98
requirements for establishing highway improvement impact fee districtsHB 744
review of developments with regional impact; procedureHB 471
school district building projects exempt from non-residential site plan authorityHB 399
subdivision approval by staff without hearing under certain circumstancesSB 128
zoning ordinances and amendments, proposed, discretionary notice to affected property
owners.....SB 139

Planning commissions, regional, assistance to towns for regional water management and
protection plansSB 161

Planning office, state

capital improvements appropriation.....HB 100
decisions of planning boards and zoning boards of adjustment filed and indexed, public
accessibility; appropriationHB 225
GRANIT system, technical assistance to towns and regional planning commissionsSB 70
housing appeals board administratively attachedHB 756
impact fee ordinances, technical assistance, studyHB 758
purchase of computer equipment for regional planning commissions, appropriationHB 299
regional planning, additional appropriationHB 777
returnable containers, rulemakingHB 733
revolving funds for publications and trainingSB 21
rules to serve as guidelines for local water protection plansHB 546am
shoreland coordinatorHB 755
submerged lands leasing policy study.....HB 693
waste reduction assistance program to towns; appropriationHB 413

Planning powers

towns discouraged from restricting forestry activitiesHB 457
unincorporated towns and unorganized places, authority of county commissionersHB 531

Plant and property division, additional appropriation.....HB 777

Plastic, single use non-biodegradable items prohibited.....HB 669

Plats

ancient, recorded by register of deeds without land surveyor's seal.....HB 691
crossing town lines, approval of both planning boardsSB 98
planning board failure to act within 90 days, certificate issued by clerkSB 166am

Pleasant Lake, New London, ski craft prohibitedHB 469

Plumbers

- and gas fitters, state board for licensing and regulationHB 421
- holding pump installer's license, exempt from water well board feeHB 764

Plumbing

- products, water conservation featuresHB 728
- requirements, water conservation in new buildingsHB 481

Plymouth state college

- 1989 appropriation reducedHB 762
- additional appropriationHB 777
- state documents distributed to libraryHB 602

Poison information center, appropriationHB 426**Poles and wires, licenses, exception for existing locationsHB 489****Police**

- departments
 - may be established by village districts comprising one or more townsHB 598
 - private business not charged for unrequested police protectionHB 662
 - requests logged for removal of abandoned vehiclesSB 180
- officers, unprotected exposure to infectious disease suspected, notification to medical referral consultantSB 87
- standards and training council
 - 1987 capital improvements appropriation extendedHB 100am
 - accreditation assistance program for law enforcement agenciesHB 198
 - assistant director and training specialists, members of retirement system, group II, requirementsHB 113
 - facility, capital improvements and equipment appropriationHB 30
 - fees; transfer of funds; volunteers, liability limitedHB 82
 - increased enrollment, transfer of fundsHB 200
 - uniform procedures in making arrests under obscene bumper sticker and T-shirt law . . .HB 684
- equipment contaminated by hazardous waste accident, financial responsibility for cleanup .HB 497
- part-time, workers' compensation benefitsHB 297
- public safety hazardous duty employees, group I-a, retirement systemHB 696
- purchase permit required for a pistol or revolverHB 356
- simple assault on, mandatory penaltyHB 276

Policemens' retirement system terminated, merged into NH retirement systemHB 579**Political contributions, limitationsHB 575**
SB 178**Political parties, citizen participation and voting encouraged, studyHB 229****Pollution**

- air emission control and ash monitoring programs for waste and energy facilitiesHB 689
- cleanup
 - landowner's liability limitedSB 27
 - liability not limitedSB 110
- control facilities, operators, certified by water supply and pollution control divisionHB 130
- single use non-biodegradable plastic items prohibitedHB 669

Polystyrene, expanded, sheathing, prohibited in new housesHB 314am**Port authority**

- 1987 capital improvements appropriation extendedHB 100am
- additional appropriationHB 777
- capital improvements appropriationHB 100am
- dredging, 1987 capital improvements appropriation changedHB 100am
- lease of submerged or intertidal land, fees; rulemaking; studyHB 693
- sunset termination nullifiedSB 34

Portsmouth

- district court, property purchase; appropriationSB 96
- harbor
 - developed as an international port, studyHB 251
 - dredging, repayment by state, charged against treasury special fundHB 762
- hunting prohibited by city ordinanceHB 721
- state house, original, dismantling and preserving, appropriationSB 61am
- ward 2 boundaries and central polling placeSB 119

Postsecondary education

commission

- additional appropriationHB 777
- data collection unit, rulemaking; appropriationHB 308
- forgiveable teaching loan programHB 570
- nursing scholarships and loan programHB 410
- college savings bond program; advisory committee to develop a plan for implementation . .HB 226

Postsecondary technical education

department

- data processing operations exempt from authority of information services directorHB 50
- to replace postsecondary vocational technical educationHB 59

Postsecondary vocational technical education department

- 30% annually of Carl Perkins federal grantHB 90
- 1989 appropriation reducedHB 762
- additional appropriationHB 777
- administrative board, rulemaking authority, bookstore operation; annual review of deans
 - removed; tuition rate setting by board of governors removedHB 556
- capital improvements appropriationHB 100
- institutions, transfer of credits to and from UNH systemHB 156
- residential specialist programHB 581am

Potatoes, advertising, all price quotes must include gradeHB 16

Power of attorney, durable for health care, studySB 76am

Pregnancy, policy statementHB 377

Presite built housing, certification by transportation departmentHB 519

Prisoners

- county correctional facilities, delivery of any article to or from without knowledge of
 - superintendent, class B felonyHB 204
- of war, special number plates, use by widowHB 383

Privileged information. See: Confidential information

Probate court

- additional appropriationHB 777
- information on adoption fee and birthparentsHB 651
- judges
 - prohibited from private practice, retirement pay, vesting rights, studySB 82
 - prohibited from private practice, salaries increasedHB 767
 - salaries increasedSB 146
- Rockingham county, capital improvements appropriationHB 100am

Probation

- local employees transferring to state service, longevity benefits transferredHB 145am
- parole officers, authority to carry firearms repealedHB 75

Process, service on secretary of state for nonresident defendants, fee increasedHB 764

Produce, fresh, additives applied by grocers and restaurateurs, noticeHB 514

"Progranitors", poem by Rep. Lefebvre read856

Property, unclaimed and abandoned, costs of administration; amounts from out of state not delivered to countiesHB 764

Psychiatric residential programs, services covered by mental health insurance group

- policiesHB 666

Psychologists, licensing boardHB 574

Public access to public waters commission; powers; duties; rulemaking authority; bonds . .HB 427

Public accommodations, discrimination against handicapped prohibited; accessibility requirementsHB 670

Public assistance

AFDC

- eligibility, unemployment of parent principal wage-earnerHB 95
- need and payment standards, studySB 153
- eligibility, transfer of property at less than market value prohibitedHB 97
- fraud, definitions; penaltiesHB 614

Public assistance (cont.)

medical

- liens against nursing homes and intermediate care facilitiesHB 92
- recipients in nursing homes, personal needs allowance increasedHB 96
- reimbursement rate for counties increasedHB 764
- WIC program, appropriationsSB 78

Public defender program

- 1989 appropriation reducedHB 762
SB 4
- additional appropriationHB 777

Public deposit security actHB 561**Public employees**

- ethical conduct, studyHB 633
- labor relations
 - bargaining unit size reducedHB 164
 - binding arbitrationHB 626
 - collective bargaining agreements not subject to municipal budget appropriations
 - limitationsHB 190
 - collective bargaining cost items and neutral party recommendations submitted to legislative
 - body without amendmentHB 593
 - no agreement within 120 days of budget submission date, offers made publicHB 333
 - supervisors and employees supervised in same unionHB 165

Public forest lands

- tax abatement procedure changed; time for reimbursements to cities and towns changed . . .HB 119
- town tax abatements to be within amounts appropriatedHB 764

Public health services

- asbestos management, violations, penalties increasedSB 64
- bottled water, rulemakingHB 534am
- director, injunctive relief against unlicensed food service establishments and storesHB 107
- division
 - 1989 appropriation reducedHB 762
 - additional appropriationHB 777
- food service establishments truth in menus regulated; penaltiesHB 362
- kidney dialysis patients tested for AIDSHB 453
- laboratory certification, rulemakingSB 144
- lay-midwives, licensure required; rulemakingHB 105
- licensing of food service establishments and stores, fee; rulemakingHB 764
- poison information center, rulemaking authority; appropriationHB 426
- physicians and dentists transferred to unclassified systemHB 273
- termination procedureHB 109
- regulation of
 - crematories transferred to funeral directors and embalmers boardHB 106
 - massage practitioners and establishments; injunctive reliefHB 108
- unprotected exposure to infectious disease by emergency response/public safety workers,
 - rulemakingSB 87
- vital records, disclosure to media restrictedHB 61
- WIC program, appropriationsSB 78

Public meetings and records, right to know, governor with council added to public

- proceedingSB 107

Public officials, ethical conduct, studyHB 633**Public records**

- microfilming by state archivistHB 402
- professionally printed, price to public, printing cost plus 10% administration chargeHB 203

Public Service Company of NH, bankruptcy, measures taken by state's executive branch . . .HR 15**Public utilities**

commission

- administrative changesHB 616
- approval of electric utility purchases or conversionsHB 549
- authority over removal of railroad tracks repealedHB 185
- electric utility energy services, rulemakingHB 754
- receiver appointed for water utility failing to provide serviceHB 617
- regional electrical power pooling alternatives, study; appropriationHB 411

Public utilities (cont.)

commission (cont.)

- regulation of water companiesHB 535
- resellers of telecommunications services.HB 656
- small nonutility liquid propane pipeline safety regulation transferred to fire marshalSB 197
- solid waste transporters exempt from motor carrier regulations.SB 66am
- consolidation with railroad or common carrier, approval of transportation commissionerHB 631
- construction assistance fundHB 539
- contracts between towns not regulated by PUCHB 706
- electric
 - lineworkers, requirements for hazardous work.HB 357
 - NH energy authoritySB 205
 - purchase of rights from small producers, PUC approvalHB 485
 - service territories, applications; highest good; complaints.HB 559
 - municipal water companies, exemptions.HB 496
 - rate base, CWIP, certain costs includedHB 278

Public water system plans, fee increasedHB 764

Public works, major capital projects, exemption for fish and gameHB 166

Publications and specialty items revolving fund, fish and gameHB 764am

Pupils

- good student discountsHCR 5
- leaving school before 18 must demonstrate literacySB 135

Q

Quarrying, included in mining regulationsHB 538

R

Rabies

- epidemic, dogs restrained or muzzled.HB 267
- vaccination for cats
 - local optionHB 64am
 - requiredHB 694

Raccoons, night hunting, light from motor vehicle prohibitedHB 37

Racing

- dogs, pari-mutuel pools, tax rate based on performance average; 2% increase to fund capital improvementsSB 100
- horses, purse fund increased; increased taxes limited to specific yearsSB 132
- laboratory
 - 1989 appropriation reducedHB 762
 - expenses reimbursed to the state by licenseesHB 764
- motor vehicles, tracks, suspension of drivers convicted of controlled drug offensesHB 569
- tracks, alcoholic beverage license fee increasedHB 764

Radio, broadcast of name of juvenile convicted of certain drug offensesHB 498

Radioactive waste, low level, management and disposalHB 586am

Railroads

- accidents, notification to transportation commissioner; rulemakingHB 52
- bridge guards, statutory provisions repealedHB 159
- commuter service Nashua-Boston, studySB 189
- consolidation with public utility or common carrier, approval of transportation commissionerHB 631
- crossings, vehicles approaching, passing may be indicatedHB 184am
- dining cars, alcoholic beverage license fee increasedHB 764
- Nashua-Bennington, 1985 appropriations transferredHB 100am
- properties, abandoned, acquired by state, sale by transportation commissionerHB 639
- removal of tracks, PUC authority repealedHB 185

Rainy day fund. See: Revenue stabilization reserve account

Raymond bypass on route 101, funds lapsed to highway fundSB 150

Real estate

- appraisers, licensing and certification.HB 430
- civil actions, same use continued pending judgmentHB 73

Real estate (cont.)

commission, home inspectors, license required; qualifications; disciplinary actions; rulemaking authority	HB 322
transfer tax	
definitions; all transfers taxable unless specifically exempt	HB 291am
increased	HB 425
rate and minimum due, increases, permanent and temporary	HB 327
returned to counties	HB 326
	HB 432

Recording devices , plaintiff or defendant may record court proceedings	HB 709
--	--------

Records

management and archives	
1987 capital improvements appropriation extended	HB 100am
microfilming of public records by state archivist	HB 402
medical, information deemed property of patient	HB 511am
retention and destruction schedules for district court, set by court rule	HB 643

Recreation land , sale to state, business profits tax credit	SB 141
---	--------

Recreational campgrounds and camping parks, definitions, requirements, guidelines	HB 492
---	--------

Recreational fund , state, statute repealed	HB 160
--	--------

Recreational waters , right-of-way board repealed	HB 427
--	--------

Recycling

and waste reduction	HB 746
beverage containers	HB 627
	HB 733
	HB 747
landfill reduction and cleanup program	HB 734
legislative and executive department offices, 25% solid waste reduction encouraged	SCR 2
logo, established by environmental services	HB 605
NH support for regional cooperation	HCR 1
non-biodegradable plastic items	HB 669
or reduction of solid waste required	SB 156am
petitioning congress for a national policy	HCR 3
program, state agencies, mandatory	SB 57
uses of bottom ash, study	HB 680

Redemption centers , definitions, fees, permits	HB 733
--	--------

Referenda proposals	CACR 6
----------------------------------	--------

Refunds , cash, for returned merchandise	HB 695
---	--------

Refuse

disposal, recycling or reduction	SB 156am
transporters, subject to regulation of motor vehicles carrying property for hire	HB 104

Regional cooperation, solid waste

disposal, counties, towns, and unorganized places	HB 488
reduction, recycling, and disposal	HCR 1

Regional planning

commissions	
assistance to towns for regional water management and protection plans	SB 161
computer equipment purchased by state planning office, appropriation	HB 299
developments of regional impact, procedure	HB 471
financing for 1988 and 1989; appropriation	HB 301
impact fee ordinances, technical assistance, study	HB 758
state office, additional appropriation	HB 777

Regional refuse disposal districts

audits by revenue administration or CPA	HB 119
committee members, equal numbers from each town	HB 495
withdrawal procedure	HB 478

Regional resource recovery facilities, interstate compact, annual audit by revenue

administration	HB 711
----------------------	--------

Regional waste disposal cooperatives encouraged	HB 722
--	--------

Register of deeds

- dock and marina permits and certain wetlands permits recordedSB 60
- documents suitable for reproduction; recording fees increasedHB 219
- fee for discharge of administrative orderHB 132
- mortgage discharge recorded by mortgagee, time increasedHB 467
- recording ancient plats and court decisions affecting property boundariesHB 691
- recording fee for current use and use change taxationHB 119
- recording state forest concessions, time period extended and annual consideration increasedHB 122

- Religious organizations**, buses, drivers investigated; driving rules same as for school buses; semi-annual inspectionsHB 103

- Relocation assistance** and real property acquisition, definitions; functions; rulemaking authorityHB 148

- Rent control**, manufactured housing parksHB 727

- Rescue service personnel**, personal liability limitedHB 596

- Residential care facilities**, medical assistance recipients, personal needs allowance increasedHB 96

- Residential services bureau**, children and youth services division, 1989 appropriation reducedHB 762

- Residential specialist program**, postsecondary vocational technical educationHB 581am

- Resource protection and development**, additional appropriationHB 777

Resources and economic development

- 1987 capital improvements appropriation extendedHB 100am
- 1989 appropriation changedHB 762
- capital improvements appropriationHB 100
- commissioner

- rulemaking not to include "walk on" user fees at state park beachesHB 171
- state shooting range study committeeHB 240

department

- additional appropriationHB 777
- inventory of access ramps to public waters under their controlHB 202
- maintenance of boat launching ramps and parking areasHB 620
- purchase of land, appropriation, requirementsHB 200

Hampton beach

- seawall, refurbishing and weatherizing old section; appropriation; parking fees to retire 50% of bonds for steel seawall replacementHB 32
- state park lifeguard facility renovation appropriation; dedicated to David S. Thomas . . .HB 173

- OHRV fines continually appropriated for OHRV purposesHB 151

- purchase of property in Rye surrounded by Odiorne Point state park; appropriationHB 279

- state forest concessions, time period extended and annual consideration increased on contracts that must be recordedHB 122

- state recreational fund statute repealedHB 160

- state ski operations director; mountain managers at Mt. Sunapee and Cannon Mtn.HB 157

- supplemental appropriationSB 4

- Respiratory care practitioners**, licensingHB 371

Restaurants

- additives applied to fresh produce stated on menuHB 514

- alcoholic beverages, service areas expandedSB 94

cocktail lounges

- license fee increasedHB 764
- seating capacity requirementsHB 764am

- licensing feeHB 764

- on-sale wine licenses, discount and credit termsHB 652

- operation without license, injunctive reliefHB 107

- seasonal defined for purposes of determining overtime compensationHB 191

- truth in menus requiredHB 362

- Retail sales**, cash refunds for returned merchandiseHB 695

Retirement system

- 6 month service requirement repealedHB 85

- additional appropriationHB 777

- board of trustees, employee hiring substitute reimbursedHB 83

Retirement system (cont.)**employer**

failure to enroll, employee share paid by employer; optional membership for officials;

finance directorHB 85

failure to remit assessment; legislative and constitutional officers, cost of buying

service creditHB 86am

group I

legislative staff members and constitutional officers, optionalHB 742

members retired before July 1, 1988, cost of living adjustmentSB 89

minimum service retirement allowanceHB 592

teachers retired before July 1957, cost of living adjustmentSB 91

vested deferred benefits, age 50HB 622

group I-a, public safety hazardous duty employeesHB 696

group II

40 years creditable service, no payroll deductionSB 122

accidental disability allowance changedHB 87

correctional personnel, major responsibility for security to qualifyHB 78

members retired before July 1, 1988, cost of living adjustmentSB 90

minimum service allowanceHB 719

training specialists or assistant director of police standards and training council,

requirementsHB 113

health and medical benefits reinstated for members retired before Dec. 1, 1988HB 594

investment and audit practices, studyHB 390

legal investments, African Development BankHB 355

participation by nongovernmental organizations, studyHB 654

political subdivisions, prior service creditsHB 84

predecessor systems merged intoHB 579

retired state employees defined for purposes of health and life insuranceHB 589

retirees health insurance, supplemental appropriationSB 4

special account fund, uses; supplemental allowancesHB 613

SB 88

superior court judges' widows, benefitsSB 89

supplemental appropriationHB 762

teachers, out of state service may be purchased and credited to NH systemHB 595

Revenue administration

1989 appropriation changedHB 762

additional appropriationHB 777

annual audit of regional resource recovery facilities and sanitary landfills operating under

interstate compactsHB 711

capital improvements appropriationHB 100am

commissioner

notices of intent to cut timberSB 22

removal of tax collectorHB 650

removal of town clerk or treasurerHB 650

corporate dissolution, letter of certification; statements of withdrawal and good standing;

feesHB 764

equalizations, current use values not adjusted to comply withHB 623

financial reports

filed by towns, etc., dates changedHB 590

from certain towns certified by tax collectors and assessorsHB 663

miscalculation of tax rates, apportionment adjusted; overpayments reimbursedHB 671

modernization of automation activitiesHB 290

notification by towns, village districts, or school districts of special meetings for emergency

expendituresHB 476

reimbursement to towns for property taken by US for flood controlHB 766

technical changesHB 119

Revenue estimates, 1989 revisedHB 762**Revenue returned to cities and towns**

additional amount for fiscal year 1990HB 208

state-municipal revenue sharing program; formula for distribution; appropriationHB 398am

Revenue stabilization reserve account limited for 1990-1991HB 764**Revenue structure, studyHB 532****Revenue unrestricted, estimatesHB 200**

reports198-199, 980

Rifles and shotguns

- discharge near dwelling, distance increasedHB 358
- felonious use, sentence increasedHB 700
- mandatory sentence for armed career criminalsHB 699

Right to know law

- exemption, library user recordsHB 36
- governor with council added to public proceedingSB 107

Risk management administrator, unclassified positionHB 273am**Rivers**

- shoreline protection studyHB 755
- WSPCD notification to downstream municipalities of effluent dischargesHB 661

Road rules

- crossing unbroken painted line on highway prohibited, exception deletedHB 181
- driving left of center of roadway when approaching intersection or railroad crossing,
 - passing may be indicatedHB 184am
- eye and face protection for motorcycle operatorsSB 84
- posted school zone speed limits, 10 mph less than usual limitHB 324
- speed limit
 - in school zonesHB 180
 - in urban districts may be lowered to 25 mph on petition to transportation commissioner .HB 505
 - outside an urban district may reduced to 25 mphSB 114
 - reduced in business or urban residence districtHB 177
- vehicle on highway entrance ramp to yield to vehicles on highwayHB 103

Rochester

- Agricultural and Mechanical Association, Inc., retention of percentage of racing taxSB 132am
- industrial railroad sidings, partial 1985 Nashua-Bennington appropriation used forHB 100am
- Mechanical and Agricultural Association, appropriationHB 764am
- post office, renovation as district court, appropriation nonlapsingSB 31
- school district, withdrawal of Wakefield from AREA planHB 640

Rockingham

- county, superior and probate courts, capital improvements appropriationHB 100am
- Park, pari-mutuel pools, purse fund increased; increased taxes limited to specific years . . .SB 132

Roll calls

- opening of the session1-6
- HB 18**, decriminalizing adultery. Question, substitute inexpedient to legislate for ought to pass.
 - Yeas, 149; Nays, 201125-128
- HB 51**, re a vehicle width on certain highways. Question, recommit.
 - Yeas, 262; Nays, 10168-71
 - Question, substitute inexpedient to legislate for ought to pass. Yeas, 76;
 - Nays, 248372-375
- HB 103**, re motor vehicle laws. Question, adopt committee amendment.
 - Yeas, 241; Nays, 103810-813
- HB 169**, re Martin Luther King Day. Question, substitute ought to pass for inexpedient to legislate. Yeas, 89; Nays, 255237-240
- HB 171**, re fees at certain state park beaches. Question, substitute ought to pass for re-refer to committee. Yeas, 96; Nays, 207388-391
- HB 174**, re fireworks. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 189; Nays, 145574-577
- HB 179**, requiring additional reports to be filed with the insurance commissioner. Question, substitute ought to pass for inexpedient to legislate. Yeas, 145; Nays, 180555-558
- HB 188**, to repeal the right to hunt moose. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 100; Nays, 247195-198
- HB 200**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991. Question, order to third reading.
 - Yeas, 314; Nays, 23778-781
 - Question, adopt conference committee report. Yeas, 295; Nays, 361150-1153
- HB 214**, re the transportation of alcohol in open containers. Question, substitute ought to pass for inexpedient to legislate. Yeas, 118; Nays, 220157-160
- HB 220**, re managing tax supported state debt. Question, substitute re-refer to committee for ought to pass with amendment. Yeas, 246; Nays, 341079-1081
- HB 223**, re investment of state funds in corporations doing business in Northern Ireland.
 - Question, substitute inexpedient to legislate for ought to pass.
 - Yeas, 127; Nays, 213368-371

Roll calls (cont.)

HB 228 , permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. Question, adopt majority report of ought to pass. Yeas, 264; Nays, 82	228-231
HB 237 , re eviction of tenants with AIDS. Question, substitute inexpedient to legislate for ought to pass. Yeas, 65; Nays, 260	511-514
HB 242 , re video poker machines. Question, substitute ought to pass for inexpedient to legislate. Yeas, 97; Nays, 253	306-309
HB 327 , re the rate of the real estate transfer tax. Question, ought to pass with amendment. Yeas, 226; Nays, 119	699-702
HB 330 , re exemption from the gasoline tax and state license plates. Question, pass over governor's veto. Yeas, 249; Nays, 87	1143-1146
HB 331 , to compensate Mary Elaine Crowley for an unjustified termination and making an appropriation therefor. Question, substitute ought to pass for inexpedient to legislate. Yeas, 123; Nays, 220	357-361
HB 377 , re a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions. Question, substitute inexpedient to legislate for ought to pass. Yeas, 157; Nays, 188	455-458
Question, pass over governor's veto. Yeas, 172; Nays, 140	829-832
HB 378 , re listing candidates on general election ballots. Question, substitute ought to pass for inexpedient to legislate. Yeas, 69; Nays, 221	502-505
HB 385 , to exempt meals prepared in the state house cafeteria from the meals and rooms tax. Question, adopt committee report. Yeas, 284; Nays, 44	721-724
HB 398 , re the return of revenue to cities and towns. Question, adopt committee amendment. Yeas, 139; Nays, 204	709-712
HB 422 , re tax exempt property. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 110; Nays, 231	704-707
HB 439 , establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of alcohol and drug abusers. Question, adopt committee amendment. Yeas, 119; Nays, 221	361-364
Question, substitute inexpedient to legislate for committee report. Yeas, 113; Nays, 230	364-367
Question, adopt committee amendments. Yeas, 244; Nays, 90	755-758
HB 449 , re civil suits against municipal officials. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 68; Nays, 251	655-658
HB 452 , re the vote for school building aid bonding. Question, substitute inexpedient to legislate for ought to pass. Yeas, 249; Nays, 98	447-450
HB 542 , re regulating increases in manufactured housing parks. Question, substitute ought to pass for inexpedient to legislate. Yeas, 58; Nays, 268	514-517
HB 580 , re surplus land and the housing finance authority. Question, substitute ought to pass for inexpedient to legislate. Yeas, 92; Nays, 258	302-305
HB 586 , re siting and permitting of solid and hazardous waste disposal facilities. Question, recede from nonconcurrence and conference request. Yeas, 184; Nays, 137 . . .	1095-1098
Question, concur with Senate amendment. Yeas, 188; Nays, 133	1098-1100
HB 596 , limiting personal liability of fire department and emergency rescue services personnel. Question, substitute re-refer to committee for ought to pass with amendment. Yeas, 192; Nays, 134	569-572
HB 634 , re "black liquor" and municipalities. Question, substitute re-refer to committee for inexpedient to legislate. Yeas, 54; Nays, 278	586-589
HB 664 , transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights. Question, pass over governor's veto. Yeas, 166; Nays, 175	1147-1150
HB 675 , to eliminate straight ticket voting. Question, substitute ought to pass for inexpedient to legislate. Yeas, 95; Nays, 244	443-446
HB 681 , re workers' compensation. Question, substitute inexpedient to legislate for ought to pass. Yeas, 133; Nays, 220	351-354
HB 683 , creating a study committee to examine financing of kindergarten costs. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 108; Nays, 225	560-563
HB 707 , re safety restraint systems in passenger cars. Question, substitute inexpedient to legislate for ought to pass. Yeas, 233; Nays, 109	565-568
HB 758 , re impact fees. Question, substitute re-refer to committee for ought to pass with amendment. Yeas, 70; Nays, 282	666-669
HB 762 , making supplemental appropriations for fiscal year 1989. Question, adopt Robinson amendment. Yeas, 132; Nays, 233	437-441
HCR 7 , to adopt joint rules for the 1989 session. Question, adopt floor amendment. Yeas, 73; Nays, 252	382-385

Roll calls (cont.)

- HR 15**, calling for certain measures to be taken by the executive branch of state government unless and until certain conditions are met by the Public Service Company of New Hampshire. Question, substitute ought to pass for inexpedient to legislate. Yeas, 118; Nays, 226661-664
- HR 31**, urging Congress to enact remedial legislation against flag desecration. Question, ought to pass. Yeas, 276; Nays, 391189-1192
- SB 5**, permitting a corporation to limit the liability of the directors and officers in its articles of incorporation. Question, adopt Jacobson amendment. Yeas, 98; Nays, 2311013-1016
- SB 67**, re regulation of excavation of sand, gravel, and construction aggregate. Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 136; Nays, 211952-955
Question, adopt conference committee report. Yeas, 158; Nays, 1811060-1063
Question, discharge conference committee and request new conference. Yeas, 149; Nays, 1911063-1066
Question, adopt conference report. Yeas, 247; Nays, 981107-1110
- SB 79**, re state employee bargaining rights. Question, substitute ought to pass for inexpedient to legislate. Yeas, 133; Nays, 193861-864
- SB 110**, re joint and several liability and to pollution liability. Question, substitute minority report for majority report. Yeas, 205; Nays, 134971-974
- SB 132**, re Rockingham Park and the Rochester Agricultural and Mechanical Association, Inc. Question, lay on table. Yeas, 131; Nays, 206897-900
Question, substitute inexpedient to legislate for ought to pass with amendment. Yeas, 175; Nays, 165900-903
- SB 136**, prohibiting abortions performed on certain minors without parental consent. Question, substitute ought to pass with amendment for inexpedient to legislate. Yeas, 142; Nays, 199642-645
- SB 146**, re judicial salaries. Question, substitute inexpedient to legislate for ought to pass. Yeas, 80; Nays, 2491021-1024
- SB 156**, re refuse disposal. Question, adopt Arnesen amendment. Yeas, 103; Nays, 224988-991
- SB 175**, making an appropriation to the arts development program. Question, adopt committee amendment. Yeas, 274; Nays, 59751-754
- SB 178**, re campaign financing. Question, substitute inexpedient to legislate for ought to pass. Yeas, 141; Nays, 200945-948
- SB 205**, re establishing the New Hampshire energy authority and making an appropriation therefor. Question, adopt Spear amendment. Yeas, 123; Nays, 226915-918
Question, adopt second Spear amendment. Yeas, 103; Nays, 243918-921
Question, order to third reading. Yeas, 249; Nays, 96921-924
- CACR 1**, re meetings of the general court. Providing that the general court shall meet biennially. Question, ought to pass. Yeas, 170; Nays, 1771037-1040
- CACR 2**, re line item veto power. Providing that the governor may approve appropriation bills in whole or in part. Question substitute recommit to committee for inexpedient to legislate. Yeas, 98; Nays, 249151-154
- CACR 10**, re a limit on spending increases of 5% at all levels of government. Providing that no government entity including the state, any state agency, city, town, school district, village district, water district, sewer district, county, or other governmental entity shall increase its total spending by more than 5% per year unless approved by a 2/3 vote of those members of the legislative body present and voting. Question, substitute ought to pass for inexpedient to legislate. Yeas, 77; Nays, 270288-291

Rooms and meals tax. See: Meals and rooms tax

Rules**House**

1988 rules adopted with amendmentsHR 1am

HR 13

1989, printed71-91

jointHCR 7

amending rule 4-A(b)SCR 1

state agencies

costs to political subdivisions fully fundedHB 381

may be disapproved by general courtCACR 5

Rust Pond, Wolfeboro, ski craft prohibitedHB 49

S

Safety commissioner

advisory board on boating	HB 665
Commercial Vehicle Safety Act, rulemaking authority	HB 147
forms for sale of fireworks to nonresidents	HB 174
hazardous materials incidents, trainer criteria for responders	HB 394
hearings on petitions to prohibit ski craft on specific lakes	SB 111
licenses for sale of fireworks	SB 38am
rulemaking	
and hearings for drivers suspended from motor vehicle race tracks for conviction of	
controlled drug offenses	HB 569
on boat restrictions in public waters removed	HB 582

Safety department

additional appropriation	HB 777
boat registration fees increased	HB 211
boating and water safety rules codified; penalties	HB 716
capital improvements appropriation	HB 100
data processing operations exempt from information services director	HB 50
enforcement of prohibition of firearms and knives as prizes at fairs and carnivals	HB 366
fire service	
director, salary and benefits appropriation	HB 764am
division consisting of fire safety and fire standards and training bureaus	SB 168
hearings bureau	
hearing on use of personal watercraft	HB 668
use and operation of personal watercraft; rulemaking, advisory committee on boating	HB 703
motor vehicle records, distribution, not for commercial uses	HB 470
new positions and equipment	SB 106am
solid waste transporter permits	HB 360
solid waste transporter regulation	SB 66am
unjustified termination of Mary Elaine Crowley, compensation and reinstatement	HB 331
video poker machines, licensing; permit fees; tax on gross revenue	HB 242
watercraft safety	
1989 appropriation reduced	HB 762
supplemental appropriation, charged against capital reserve fund	HB 762

Safety services

auxiliary marine patrol; penalties reduced; arrest without warrant; accident reports; noise	
levels, stationary testing	HB 112
boat registration fees, study	HB 693
director	
approval of public and congregate moorings, transferred from governor and council	HB 504
removal of moorings and boats without proper decals; small mooring sites defined	HB 111
division, additional appropriation	HB 777
mooring and boat removal for violation, owner may appeal within 5 days	SB 71

Salem

access ramps from exit 1 on I-93 added to 10 year highway plan	HB 199
school district, debt retirement fund	HB 763

Sales

cash refunds for returned merchandise	HB 695
representatives, post-termination commissions, time for payment; civil damages	SB 16

Sanbornton , transportation corridor, community oriented planning study	HB 305
--	--------

Sanitary landfills , interstate compact, annual audit by revenue administration	HB 711
--	--------

Savings banks

legal investments, African Development Bank	HB 355
report of dividends, tax	HB 119

Scamman, Rep. W. Douglas, Jr. See: Speaker**School boards**

budget committees, statement of expenditures from officials	HB 192
no obligation to teach standard curriculum in language other than English	HB 48

School districts

and cities, financial reports filed with education department	SB 36
bonds, vote required, 60%	HB 452
budget increases limited to 5%	CACR 10

School districts (cont.)

- building emergency loan fund; construction projects exempt from site plan authority of
planning board and local or state fees HB 399
- cooperative
 - Barnstead-Pittsfield dissolved HB 446
 - equalizing tax rates, difference funded from sweepstakes revenue HB 688
 - or AREA, 2/3 vote required to form or annex HB 583
 - organization meetings calling special meeting to raise money, requirements HB 506
- excess funds, expenditure authorized indefinitely HB 567
- financial aid, supplemental appropriation HB 762
 - SB 4
- financial reports filed with revenue administration, dates changed HB 590
- legislative body and governing body defined SB 13
- municipal budget law recodified HB 573
- pilot guidance assistance program, grades 1-6 HB 420
- special meeting
 - emergency expenditures, notification to revenue administration before petitioning court . HB 476
 - petition to superior court HB 720
- structure, study HB 399
- supplemental grants based on assisted housing units, study SB 138am
- sweepstakes fund, distribution on student per capita basis HB 646
- sweepstakes revenue
 - distribution on flat grant per pupil basis; needy school districts; bonds HB 400
 - exclusively for aid to education HB 172
 - portion returned to originating community; balance transferred to foundation aid fund . HB 451
- treasurers, deposits in qualified public depositories HB 561
- Wakefield, withdrawal from Rochester AREA plan, local option HB 640

School improvement program, education department HB 764am

School of lifelong learning

- 1989 appropriation reduced HB 762
- appropriation HB 777

Schools

- administrative units, associate superintendents, appointment and certification HB 21
- building aid
 - additional appropriation HB 777
 - applications filed by Jan. 1 SB 36
 - state share, 35% of construction cost; bonds HB 425
- bus drivers for special education children, training and licensing, study HB 522
- corporal punishment study SB 112am
- driver education
 - \$150 per pupil completing program, from driver training fund HB 447
 - \$180 per pupil completing program, from driver training fund HB 405
- drug education program, mandatory penalty for dealing in drugs HB 705
- elections, held during 1988 general election, held in future with state primary SB 183
- elementary
 - and secondary, drug-free school act HB 545
 - minimum standards, costs funded by state HB 585
- food and nutrition program, 1989 appropriation reduced HB 762
- foundation aid, appropriation automatically increased by sweepstakes revenues in excess of
estimate SB 154
- new, municipal building fund, appropriation HB 406
- pupils, questionnaire on extra curricular and work activities SB 49
- SAU's replaced by statewide system; state funding for fundamental curriculum; study . . . HB 735
- speed limit, 10 mph less than usual limit HB 324
- student organizations, hazing prohibited HB 740
- students leaving before 18 must demonstrate literacy SB 135
- superintendent's salary, state's share fixed HB 135
- tax rates, study SB 169
- testing and evaluation programs transferred from standards and certification division to
instructional services division HB 71

Scottish heritage week HCR 2

Seabrook, highways reclassified HB 197

Search and rescue

- fish and game; appropriation HB 215
- fund, fish and game HB 764am

Search warrants, telephone, procedure	HB 759
Seat belts	
children to age 12	HB 45 SB 3
required for drivers and front seat passengers; exemptions	HB 707
Secretary of state	
and deputy, retirement system, membership optional	HB 742
appointment and removal of assistant secretaries, appointment of temporary senior deputy	SB 193am
campaign financing fund, allocation to eligible candidates; commercial advertising	HB 415
corporate registration information for trade agreement with Canada	HB 708
corporations, fees increased	HB 764
election returns forwarded by state police	HB 372
Gardner, William M., elected	12
primary ballots for computerized voting machines, determination of number	SB 93
service of process for nonresident defendants, fee increased	HB 764
term of office; transition period	HB 494
Secure psychiatric unit, corrections department, supplemental appropriation	HB 762 SB 4
Securities	
dealers and investment advisors, license term and fees; open-end mutual funds, issuer fee for each series	HB 124
domestic issuer-dealers exempt from post-licensing examination expenses; misleading filings; unlawful representations; cease and desist orders	HB 123
registration	
by coordination, filing fee	HB 401
statement, offeror subject to disciplinary action; rulemaking deadline extended	HB 125am
regulation	
director, regulation of bail bondsmen	HB 43
office, additional appropriation	HB 777
Senior citizens, bingo games, prize value increased	HB 336
Sentences	
felonious use of firearms, increased	HB 700
mandatory, armed career criminals	HB 699
simple assault on law enforcement officer, mandatory penalty	HB 276
Septic holding tanks, industrial sites in Londonderry	HB 482
Sergeant-at-arms	
employment of personnel	HR 6
Leary, Warren W., elected	12
Service of process on secretary of state for nonresident defendants, fee increased	HB 764
Severance tax, removing natural resources	HB 382am
Sewage disposal	
campgrounds	HB 492
facilities	
Somersworth, alternate state contribution for construction	HB 231
state aid, Monroe	HB 315
state aid, Somersworth	HB 364
state share to towns increased to 50%	HB 436
systems	
5 acre lot subdivisions, filing with WSPCD, exemption removed	HB 659
applications for approval, abutters notified of waiver requests	HB 46
defined as a public utility	HB 616
permit and installer fees increased	HB 764
treatment facilities	
Monroe, state loan increased	HB 521
revolving loan fund for municipalities; appropriation	HB 380
violations, written orders from WSPC recorded with registry of deeds, fee for discharge; appeals to council	HB 132
Sewer districts, petition by 10%, local option	HB 718
Sex discrimination, equal pay act enforced by human rights commission	HB 664

- Shared parenting**, replacing custody in divorce casesHB 717
- Sheltered care facilities**, services, study.....HB 346
- Sheriffs**, ineligible to be superintendent of county farm, nursing home, or department of corrections.....HB 692
- Shooting range**, study committeeHB 240
- Shoreline**
 - assessment against towns for state maintenance of damsHB 764
 - protection studyHB 755
- Simplex Wire and Cable**, Newton, unemployment benefits owed to state reinstated; strikers debts forgivenHB 741
- Simulcast racing**, purse fund increased; increased taxes limited to specific yearsSB 132
- Ski areas**, alcoholic beverage license fee increased.....HB 764
- Ski craft**
 - operating restrictions
 - on public waters, committee to review, hearings.....HB 582
 - operating restrictions (cont.)
 - prohibited on specific lakes, rivers, and ponds after hearingSB 111
 - prohibited on
 - Canaan Street Lake, CanaanHB 353
 - Connecticut River, between Ledyard Bridge in Hanover and 3 miles north.....HB 490
 - Conway Lake, Conway and EatonHB 318
 - Country Pond in Kingston and NewtonHB 55
 - Indian Pond, Orford.....HB 222
 - Pleasant Lake and Little Lake Sunapee in New London.....HB 469
 - Rust Pond, Lake Wentworth, and Crescent Lake in WolfeboroHB 49
 - Stinson Lake, Rumney.....HB 33
 - Upper Kimball Pond in Chatham.....HB 154
 - Wilson Pond, Salem, and Big Island Pond, Derry, Atkinson, and HampsteadSB 86
 - term changed to personal watercraftHB 529
 - prohibition on certain lakes and ponds repealedHB 703
- Ski operations**, state, director, duties.....HB 157
- Ski trails**, lifts, and aerial tramways, alcoholic beverage prohibited.....HB 217
- Skyhaven airport**, Rochester
 - control and operation transferred from transportation department, study.....SB 108
 - various capital improvements appropriations extendedHB 100am
- Smith**, Sgt. William, police barracks in Milford dedicated toHB 582am
- Smokeless tobacco tax**, study.....SB 73
- Snow traveling vehicles**
 - portion of fee to purchase large track trail groomersHB 287
 - trail connectors on highway rights of way.....HB 676
- Snowden**, Rev. Dr. Glen, guest chaplain688
- Social security numbers**, not printed on license at driver's requestHB 710
- Social workers**, clinical, licensing board.....HB 574
- Soil scientists**, certificationSB 43am
- Solid waste**
 - active and inactive landfills, study; closure programHB 423
 - disposal
 - air emission control and ash monitoring programsHB 689
 - contracts, tonnage guarantees, recycled amounts included.....HB 653
 - facilities exempted from junkyard regulations.....HB 657
 - facilities, transfer of permits, hearings; notification to abutters; disclosure of ownership;
 - forfeiture of property for violationsHB 586
 - interstate compact, annual audit by revenue administration.....HB 711
 - recycling or reductionSB 156am
 - regional cooperation between counties, towns, and unorganized placesHB 488
 - haulers
 - identifying logo on containersHB 729
 - special number platesSB 157

Solid waste (cont.)

illegal dumping, civil penalties	HB 516
illegal sites reported, amnesty and reward	HB 540
landfill reduction and cleanup program	HB 734
management	
council, name changed to waste management council	HB 465
definitions; compost, towns authorized to create and use	HB 289
management districts	
approvable plans	HB 606
Ashuelot Valley refuse disposal district agreement legalized	HB 701
conditions for withdrawal; implementation within 60 days of approval; regional	
cooperatives encouraged	HB 722
plan date extended	HB 479
motor vehicle wastes, reclamation or disposal	HB 332
reduction	
assistance program	HB 413
recycling and disposal, NH support for regional cooperation	HCR 1
study committee, incentives to attract recycled paper industry	HB 733
transporters	
permits issued by safety department	HB 360
regulated by safety department	SB 66am
subject to regulation of vehicles carrying property for hire	HB 104

Somersworth

sewage disposal facilities	
construction, alternate state contribution	HB 231
state aid	HB 364
solid waste landfill construction, bonds	HB 459

Sons of the American Legion, 18 years old, may assist American Legion posts in conducting

bingo games	HB 464
-------------------	--------

Sororities, hazing prohibited HB 740**Southwest regional solid waste management district, known as Ashuelot Valley refuse**

disposal district, agreement legalized	HB 701
--	--------

Sovereign immunity, actions against governmental units, limitation reduced to 3 years. HB 298**Spaulding turnpike. See: Eastern NH turnpike****S.P.B., Inc. of Seabrook, charter reinstated** HB 503am**Speaker, W. Douglas Scamman**

elected	7
remarks	8-II

Special education

additional appropriation	HB 777
bus drivers, training and licensing, study	HB 522
catastrophic aid	
distributed on pro rata basis	HB 260
SB 36	
supplemental appropriation	HB 762
SB 4	
catastrophic costs, additional appropriation	HB 777

Spectacle Pond, Enfield and Grafton, motorboats, horsepower limitation increased HB 304**Spofford Lake, Chesterfield, motorboat speed limited** SB 39**Sportsmen's Club of Wolfeboro, charter revived** HB 23**Spousal tax, Maine, repealed before future agreements on legal length of lobsters** HB 38am**Starr, Rabbi Arthur, guest chaplain** 983**State agencies**

administrative rules may be disapproved by general court	CACR 5
books and periodicals purchased by state librarian deleted	HB 102
data processing	
and computer management study	HB 764am
proposals, review by fiscal committee; legislative oversight committee	HB 764
funded by sources other than general fund, prompt reimbursement to treasurer	SB 171
inventory of access ramps to public waters under their control	HB 202

- State agencies (cont.)**
 prompt payment of billsHB 393
 public records, professionally printed price to public, printing cost plus 10%
 administration chargeHB 203
 recycling program, mandatorySB 57
 rules, costs to political subdivisions fully fundedHB 381
 teletypewriter access for hearing or speech impaired; appropriationSB 191
- State budget** increases limited to 5%CACR 10
- State buildings**, office space available, agencies renting private space required to occupyHB 200
- State-capitol-city planning commission**, renamed, membership increasedHB 737
- State employees**
 and officials, transfers to and from classified service, annual and sick leave and longevity
 credit retainedHB 273
 classified, performance management systemHB 250
 collective bargaining, issues expandedSB 79
 incentive awards increasedHB 120
 positions
 abolished or created, list to personnel division by LBAHB 200
 downgraded by 1989 legislation, salaries continued at higher levelHB 767
 number frozen in each agencyHB 200am
 reclassification
 requests disposed of within 45 daysHB 121
 requests not considered until July 1990HB 764am
 salary increases, effective datesHB 764am
 retired
 defined for purposes of eligibility for health and life insuranceHB 589
 hospitalization and medical insurance, studySB 89
 salaries increasedHB 767
 snow handling, double time for work exceeding 59 hours per weekHB 621
 unclassified. See: State officials
 working part-time in certain state institutions, holiday paySB 77
- State forest concessions**, contracts that must be recorded, time period extended and annual
 consideration increasedHB 122
- State house**
 cafeteria, meals exempt from meals and rooms taxHB 385
 fire protection improvements, appropriationHB 210
 original, Portsmouth, dismantling and preserving, appropriationSB 61am
- State land**
 on Stadig Road in Barrington, sale to Swains Lake village water districtSB 48
 or property, administrative fee to transportation commissionerHB 183
 laws concerning retention, studyHB603
- State librarian**, replacing commissioner on automated information systems boardHB 102
- State library**
 additional appropriationHB 777
 advisory council, membership; duties; termsHB 102
- State mandated minimum standards** for elementary schools, costs funded by stateHB 585
- State mandated programs**, approval by local legislative bodiesCACR 9
- State-municipal revenue sharing program**; formula for distribution; appropriationHB 398am
- State officials**
 certain salaries increasedHB 273
 new salary rangesHB 350
 physicians and dentists in certain agencies; termination proceduresHB 109
 salaries increasedHB 767
 transfers to classified service, annual and sick leave and longevity credit retainedHB 273
- State police**
 additional appropriationHB 777
 barracks, Milford, dedicated to Maj. John T. ContiHB 731
 Sgt. Roger Hilton, and Sgt. William SmithHB 582am
 election returns forwarded to secretary of stateHB 372
 pistols and revolvers, purchase permit and statement forms providedHB 356

State prison

- additional appropriationHB 777
- supplemental appropriationHB 762
- SB 4
- various capital improvements appropriation extendedHB 100am

State property, surplus, notification by housing finance authority to council on resources

- development, county, and municipalityHB 580

State recreational fund, statute repealed.HB 160**State vehicles**, certificate of title requiredHB 176**Statewide conference** on familiesHB 660**Status of women commission**, executive director, salary increased.HB 368**Statute of limitations**. See: Limitation of actions**Statutory construction**, legislative body and governing body definedSB 13**Steroids**, anabolic, sale or possession prohibited except for medical purposesHB 264**Stinson Lake**, Rumney, ski craft prohibitedHB 33**Stores**, cash refunds for returned merchandiseHB 695**Stratham** vocational technical college

- additional appropriationHB 777
- capital improvements appropriationHB 100am

Students

- college, voting by absentee ballot; residency criteriaHB 466
- good student discountsHCR 5
- housing owned by nonprofit organizations, tax exemption.HB 679

Studies

- access to health care for the uninsuredHB 300
- active and inactive landfills; appropriationHB 423
- acute care bed needsSB 120
- alcohol and drug abuse prevention office, expenditure of fundsHB 439am
- alcohol education program, reduction of recidivismHBI 2002
- bail and recognizances lawsHB 388
- bingo lawsHB 464
- boats
 - registration, fee structure and assessed valuation.SB 71
 - registration, fees set by safety servicesHB 693
 - restrictions on public watersHB 582
- bus drivers for special education children, training and licensingHB 522
- business profits taxHB 422am
- capital improvement planHB 715
- children
 - abused or neglected, lawsHB 416
 - placement and services, custody and care, corporal punishment, regulation of private
 - nursery schoolsHB 262
- community mental health centers, quality assurance records confidential.HB 632
- community oriented for implementation of improvements to routes 3 and 11HB 305
- commuter rail service, Nashua-BostonSB 189
- corporal punishment and regulation of child care agenciesSB 112am
- county governmentHB 245
- damages from constructionHB 348
- data processing and computer managementHB 764am
- deinstitutionalization of mentally disabledHB 248
- durable power of attorney for health careSB 76am
- effect on consumers of changes in financial services industrySB 30
- emergency response funding committeeHB 394
- energy facilities, procedures for siting, licensing, and operation.HB 608
- environmental risk insurance poolHB 433
- ethics in governmentHB 633
- experience modification method of determining insurance risksHB 293
- family courtHB 263
- felons, sentenced to community service, mandatory 3 days imprisonment.HBI 2001
- financing kindergarten costsHB 683
- harbor management plan by port authorityHB 693

Studies (cont.)

highway needs, route 101 Stratham to Portsmouth; reconstruction route 3, Manchester to Concord	SB 150
highways between I-89 and I-91 in Sullivan and Cheshire counties	HB 408am
home mortgage guarantee authority	SB 69
Hooksett's highways and bridges	HB 193
hydrologic, outlet of Lake Massasecum and Warner River, Bradford	HB 344
illiteracy and dropout prevention extended, additional report	HB 161
impact fee ordinances	HB 758
judges, vesting rights and contribution towards retirement	SB 82am
Laconia developmental services buildings and grounds, use by vocational technical college	HB 349
liquor laws, extended	HB 178
Manchester airport and highway, task force to implement	HB 384
medicaid coverage for dental benefits	SB 113
medicare reimbursements	HB 255
mental health and developmental services	HB 764am
mental health insurance benefits	SB 65am
natural scientists' board, jurisdiction expanded to include geologists	SB 185am
nursing home care, availability	HB 209
ownership of great ponds in White Mountain national forest	HB 254am
Pease Air Force Base redevelopment commission	HB 750
political parties, citizen participation and voting encouraged	HB 229
private sector involvement in public education	SB 115
promoting NH businesses and products overseas	HB 251
property districts for tax evaluation of island residents	HB 361
recordings of court proceedings not used as evidence	HB 709
recycling uses of bottom ash	HB 680
regional electrical power pooling alternatives	HB 411
rehabilitation of CCC buildings at Bear Brook state park	HB 256
retirement system	
investment and audit practices	HB 390
participation by nongovernmental organizations	HB 654
revenue structure	HB 532
route 101A, alternative corridor along Nashua's southwest beltway	HB 292am
SAU's replaced by state system; funding for fundamental curriculum	HB 735
school district structure	HB 399
school tax rates	SB 169
sewage disposal facilities, state share increased to 50%	HB 436
shellfish flats, closure due to pollution	HB 546am
sheltered care facilities, services	HB 346
shooting range study committee	HB 240am
shoreline protection	HB 755
Skyhaven airport, Rochester, control and operation transferred	SB 108
Spaulding turnpike, Dover to Newington, environmental impact and preliminary design; traffic problems on routes 16 and 302 in Mt. Washington Valley	SB 152
state employees, retired, state paid hospitalization and medical insurance	SB 89
state owned lands, laws concerning retention	HB 603
Storrs Street extended to I-393, Concord	HB 224
submerged lands leasing policy by office of state planning	HB 693
supplemental grants to school districts based on assisted housing units	SB 138am
surplus lines insurance companies	HB 227
task force on increasing provider participation in medical assistance program	HB 429
temporary housing located for AIDS and cancer victims	HB 647
tobacco products, taxes	SB 73
town charters, committee report deadline extended	HB 74
videotaped depositions	HB 658
water well tests for new homes	HB 213
zoological park, aquarium, and botanical garden, privately funded	SB 179

Styrofoam sheathing prohibited in new houses.HB 314

Subdivisions

application for approval, abutters notified of waiver requests	HB 46
approval by planning board staff without hearing under certain circumstances	SB 128
capital improvement impact fees	HB 588
highway improvement fee paid by developer	HB 744

Subdivisions (cont.)

impact fees

authorizationHB 572

for capital improvements, studyHB 758

land sales full disclosure, application fee increasedHB 764am

lots of 5 acres, exemption from filing with WSPCD removedHB 659

plans, WSPCD fees increasedHB 764

plats crossing town lines, approval of both planning boardsSB 98

regional impact, review procedureHB 471

Submerged lands, leasing policy, office of state planning to studyHB 693**Sulfates**, or sulfides applied to fresh produce, noticeHB 514**Sullivan county**, highways between I-89 and I-91, study by Upper Valley Lake Sunapee

CouncilHB 408am

Summer cottages, highways to, designationSB 9**Sunapee**, Newport, Claremont, Charlestown, and Walpole, contract with Upper Valley Lake

Sunapee Council for highway studyHB 408am

Sunset law, port authority termination nullifiedSB 34**Sununu**, Gov. John H., exaugural address34-37**Superior court**

additional appropriationHB 777

adjudication of paternity in contested cases of supportSB 44

appeals from

dismissal of child abuse or neglect petitionsHB 455

wetlands board emergency cessation ordersSB 17am

civil action against town officials, plaintiff to pay costs and fees if action determined

frivolous or intended to harassHB 449

judges

retirement pay, vesting rights and contributions, studySB 82

salaries increasedHB 767

SB 146

widows, retirement benefitsSB 89

juries

6 members in civil and certain criminal trialsCACR 13

selection and one day/one trial procedureHB 609am

petition to enjoin unfair rent increase in manufactured housing parksHB 542

Rockingham county, capital improvements appropriationHB 100am

school district, petitions for special meetingsHB 720

veterinarians exempt from jury dutyHB 310

Support, children

employer information on delinquent obligor; administrative support orders; judicial reviewSB 45

guidelines modified; definitions addedHB 677

medical, orders enforced by human servicesSB 63

Supported employment program, handicapped, vocational rehabilitation divisionHB 138**Supreme court**

additional appropriationHB 777

appeals, disciplinary actions against veterinariansHB 325

capital improvements appropriationHB 100

court facilities, rental formula; appropriationHB 407

court modernization fundHB 764am

judges

retirement pay, vesting rights and contribution, studySB 82

salaries increasedHB 767

SB 146

lease-purchase agreement for district court construction in FranklinHB 329

opinions requested, constitutionality of maximum deduction for compensation under

business profits taxHR 24

pilot program for jury selection, service, and compensation, reportHB 609

record retention and destruction schedules for district courts, set by ruleHB 643

Rockingham county superior and probate courts, capital improvements appropriationHB 100am

rules effective if not in conflict with statuteCACR 11

Surrogate parenting contract defined, unenforceableHB 25

Surveys , town boundary lines, instead of perambulation	HB 170
Swains Lake village water district , sale to of state land on Stadig Road in Barrington	SB 48
Swanzy , sewer interceptor construction, appropriation	HB 303
Sweepstakes	
commission	
additional appropriation	HB 777
fiscal committee approval of new programs and consultants; transfer of funds	HB 200
reimbursement of general fund of interest due	HB 762
fund	
continually appropriated to foundation aid fund	SB 154
distributed on student per capita basis	HB 646
limited to educational purposes	CACR 7
revenue	
distribution on flat grant per pupil basis; needy school districts; bonds	HB 400
foundation aid distribution for 1989 changed	HB 762
portion returned to originating community for education; balance transferred to foundation aid fund	HB 451
used exclusively for state aid to education	HB 172
special fund used for cooperative school district tax rate equalization	HB 688
Swine , feeding raw garbage to, prohibited; animals quarantined and administrative fine for violations	HB 117

T

T-shirts , obscene, prohibited	HB 684
Task force	
Manchester airport and highway study, implementation	HB 384
on increasing provider participation in medical assistance program	HB 429
Tax and land appeals board , condemnation proceedings, filing fee increased; deposited in general fund	HB 764
Tax collectors	
and assessors, towns of 7500, certification of reports to revenue administration	HB 663
removal by revenue administration	HB 650
Tax sales	
notice to elderly and disabled of tax lien availability before sale	HB 600
percentage of property that bidder is willing to offer for	HB 637
Tax supported debt , defined; limitation; fiscal impact note estimating indebtedness, capital improvements included	HB 220
Taxes	
abatements	
for public forest lands to be within amounts appropriated	HB 764
hearings held within 30 days of application	HB 76
interest rate increased	HB 339
alcohol and tobacco, additional for municipal capital improvements fund	HB 395
alcoholic beverages	
increased for alcohol and drug abuse prevention, treatment, and rehabilitation	HB 439
to fund drug and alcohol abuse education and rehabilitation programs	HB 530
alternative evaluations for island residents	HB 361
antenna towers as real estate, local option	HB 243
appraisal of newly constructed buildings	HB 673
boxing and wrestling matches on closed circuit television	HB 403
business profits	
compensation over \$100,000 added to gross profits	HB 412
credits for sale of conservation or recreation land to state	SB 141
gross profits, method of apportionment changed	HB 391
increased	HB 422am
increased through sale of beneficial interest in business organization	HB 414
loss carryover deductions	HB 234
capital gains, speculative land sales	HB 419
conservation restrictions, assessment not greater than open space land	HB 552
counties	
due date changed	HB 456
overpayment adjusted by revenue administration commissioner	HB 671

Taxes (cont.)

credits for real estate not connected to a sewer in Hampton	HB 610
current use and use change, recording fee	HB 119
disposal fees at waste facilities, percentage to landfill reduction and cleanup program fund	HB 734
exemptions	
charitable, religious, and educational organizations, narrowly construed; burden of proof on owner	HB 422
elderly, 3 options	HB 601
elderly, adjusted and optional adjusted, amount of assets clarified	HB 119
elderly, increased when property is reassessed.	SB 140
elderly, optional adjusted	HB 642
island real estate	HB 739
optional for improvements to assist handicapped	HB 599
student housing owned by nonprofit organizations	HB 679
telephone and telegraph companies, certain property	HB 265
veterans or service connected total disability, expanded, local option	HB 389
veterans, qualifying war or armed conflict.	HB 644am
veterans or surviving spouses, increased, local option	HB 387
widows, \$200, local option	HB 636
fireworks, wholesale	HB 749
income, interest and dividends	
exemption increased.	HB 340
exemptions, age 70, additional; age 75 not taxed	HB 438
notice with original driver's license application that tax may be due.	HB 460am
overdue filing, penalty	HB 320
repealed	HB 269
inheritance, exemption, person designated by decedent in will	HB 342
insurance companies, overpayment, credit or cash refund	HB 655
inventory of polls and property, failure to file, penalty increased	HB 645
land use change, classification and rates changed.	HB 604
late payment, interest less than \$5 may be waived	HB 454
meals and rooms	
1 % increase for campaign financing fund	HB 415
exemption for meals prepared at state house cafeteria	HB 385
newsprint less than 50% recycled material.	HB 746
North Hampton, optional fiscal year.	HB 537
prepayment authorized by board of selectmen or town council	HB 232
real estate transfer	
definitions; all transfers taxable unless specifically exempt	HB 291
increased	HB 425
rate and minimum due, increases, permanent and temporary	HB 327
returned to counties	HB 432
	HB 326
reassessment, assessed April 1 following year of completion	HB 630
school rates, study	SB 169
severance, removing natural resources.	HB 382am
structure, study	HB 532
time share condominiums, taxed as wholly owned unit	SB 53
tobacco	
increased	HB 385am
products, study	SB 73
uniform dwelling unit, replacing property tax for school funding	HB 541
unincorporated towns and unorganized places, apportionment, assessment, and abatement by county commissioners.	HB 531
video poker machines, 5 % of gross revenue.	HB 242

Teachers

certification, 1989 appropriation reduced	HB 762
forgiveable loan program	HB 570
out of state service may be purchased and credited to NH retirement system	HB 595
retired before July 1957	
20% supplemental allowance	HB 613
cost of living adjustment.	SB 91
retirement system merged into NH retirement system	HB 579
social studies and humanities, NH Humanities Council summer institutes; stipends	HB 379

Technical colleges, names changed from vocational technical colleges	HB 59
---	--------------

Technical institute

- additional appropriationHB 777
- capital improvements appropriationHB 100am
- excess funds, nonlapsing account, usesHB 91am
- transfer of credits to and from University of NH systemHB 156

Telecommunications

- services, resellersHB 656
- teletypewriter access to state agencies for hearing or speech impaired; appropriationSB 191

Telephone and telegraph companies

- poles, licenses, exception for existing locationsHB 489
- taxes, certain property exemptedHB 265

Telephones

- automatic dialing systems, registration; violationsHB 373
- oral search warrantsHB 759
- residential, solicitation regulatedHB 268

Television

- broadcast of name of juvenile convicted of certain drug offensesHB 498
- NH
 - commercial station carried by cable television at no extra chargeHB 686
 - public, 1989 appropriation reducedHB 762
 - public, additional appropriationHB 777

“The Great Men on the Wall”, poem by Rep. Benton read1156-1157

Thomas, David S., renovated lifeguard facility at Hampton Beach state park dedicated to ...HB 173

Thomas, Georgie A., elected state treasurer12

Thomas More Institute of Liberal Arts, degree granting authorityHB 458

Tilton

- Northfield railroad bridge, partial 1985 Nashua-Bennington railroad appropriation
 - transferred toHB 100am
- transportation corridor, community oriented planning studyHB 305

Timber

- clear cutting, permission required in certain forestsHB 753
- cutting
 - near water and highways, exemptions and enforcementHB 486
 - notice of intent filed with wetlands board and DREDSB 22am
- floating, permit requiredSB 10
- harvesting, towns discouraged from using zoning to restrictHB 457

Tinted glass, motor vehicles, prohibitionsHB 277

Tirrell house, 1989 appropriation reducedHB 762

Tobacco

- products, taxes, studySB 73
- supplemental tax for municipal capital improvements fundHB 395
- tax increasedHB 385am

Torr, Rep. Ann M., majority whip11

Tort actions

- attorney’s fees and costs to prevailing party; waiversHB 474
- co-employee tort immunity reaffirmedHB 681

Tortfeasors, joint and several liability, damages; pollution liability not limitedSB 110

Town clerks, removal by revenue administrationHB 650

Town meeting

- bond issues, preliminary hearingsHB 468
- special, emergency expenditures, notification to revenue administration before petitioning
 - courtHB 476

Town treasurer, deposits in qualified public depositoriesHB 561

Towns

- 7500 population, tax collectors and assessors, certification of reports to revenue
 - administrationHB 663

Towns (cont.)

actions against officials, plaintiff to pay costs and fees if action determined frivolous or intended to harass	HB 449
airports, tax base, sharing agreements	HB 241
antenna towers, taxed as real estate, local option	HB 243
authorized to create and use compost and wood chips	HB 289
bonds, vote required, 60%	HB 452
boundary lines	
perambulation upon request of officials or incorporation of abutting town	HB 628
survey by certified land surveyor instead of perambulation	HB 170
budgets	
collective bargaining agreements not subject to 10% appropriation limitation	HB 190
committees, statement of expenditures from officials	HB 192
increases limited to 5%	CACR 10
bylaws regulating electioneering, posted; failure to conform to, violation	HB 726
cable television system franchise, public hearing	HB 434
charter study committee, report deadline extended	HB 74
civil proceedings for public welfare fraud	HB 614
code enforcement officer notified of waiver requests in applications for subdivisions and sewage disposal systems	HB 46am
dedicated ways, abandonment by vote of governing body	SB 29
dogs, dangerous and running at large, custody and impoundment, local option	HB 533
elections. See: Elections	
environmentally hazardous business or industry, local option	HB 526
financial reports filed with revenue administration, dates changed	HB 590
fireworks, sale may be prohibited	HB 174
GRANIT system, technical assistance from office of state planning	SB 70
health officers, removal of nuisances, liens to cover costs	HB 597
highways, class V, conditional layout over existing class VI	SB 118
housing	
codes or ordinances with appeals provisions exempt from housing standards law	HB 477
voucher aid pilot program, appropriation	SB 170
low and moderate income, requirements to qualify for conservation funds	HB 641
illegal dumping of garbage, civil penalties	HB 516
impact fee ordinances for capital improvements, study	HB 758
land crossing boundary, application of planning and zoning regulations	SB 98
legislative body and governing body defined	SB 13
master plans, construction materials availability	SB 67
meetings legalized, procedural defects cured by vote at special meeting	HB 239
moderator, seeking reelection, may perform election duties	HB 508
motor vehicle race tracks, suspension of drivers convicted of controlled drug offenses	HB 573
municipal budget law recodified	HB 395
municipal capital improvements fund	HB 406
municipal new school building fund, appropriation	HB 713
mutual insurance companies initiated	HB 580
notification by housing finance authority of surplus state property	HB 537
optional fiscal year, North Hampton	
ordinances	
conflict of interest proposals to voters on printed ballot	HB 461
overridden by housing finance authority for construction of affordable housing	HB 548
violations, fines collected by district courts returned to town after expenses	SB 56
private burial site, record kept by cemetery trustees	HB 629
public forest land, tax abatements to be within amounts appropriated	HB 764
regulation of artificial water barriers not defined as a dam	HB 547
reimbursement for general assistance fund payments for prescription drugs	HB 98
rent controls in manufactured housing parks	HB 727
retirement system, prior service credits	HB 84
revenue returned from state, additional amount in fiscal year 1990	HB 208
selectmen to set fees for programs established by vote	HB 259
sewage disposal facilities, state share increased to 50%	HB 436
sewer districts, petition by 10%, local option	HB 718
shoreline assessment for state maintenance of dams	HB 764
solid waste	
management districts, implementation of plans within 60 days of approval	HB 722
reduction assistance program	HB 413
special meeting to purchase land or water rights for conservation	HB 543
special revenue funds separate from general fund; local option	SB 145

Towns (cont.)

- speed limits, transportation commissioner may be petitioned to lower to 25 in urban districtsHB 505
- state agency rules, costs fully fundedHB 381
- state-municipal revenue sharing program; formula for distributionHB 398am
- tax appraisal of newly constructed buildingsHB 673
- tax prepayment authorized by board of selectmen or town councilHB 232
- tax rate adjusted by revenue administration commissioner; overpayments reimbursedHB 671
- taxable property taken by US for flood control, reimbursementHB 766
- trust funds, brokerage firm assistanceHB 566
- unincorporated, zoning, planning, and taxing authority of county commissionersHB 531
- utility contracts with other towns not regulated by PUCHB 706
- waste incinerator siting, local option; approval of abutting townsHB 736
- water
 - companies as public utilitiesHB 496
 - management and protection plans, regional agreements; assistance from regional planning commissionsSB 161
 - protection plans, rules by office of state planning, assistance from environmental services departmentHB 546am
 - withdrawal from regional refuse disposal districtsHB 478
- zoning. See: Zoning

- Toxic waste accidents**, contamination of police, fire or emergency equipment, financial responsibility for cleanupHB 497am

- Toys**, war and look-alike, warning labels and distinctive markingsHB 312

- Trade agreement**, United States and CanadaHB 708

- Trade names**, registration fee increasedHB 764

- Trade secrets act**, uniform, adoptedSB 125

- Traffic bureau**, additional appropriationHB 777

- Trail bikes**, certain registration fees for summer use trails and facilitiesHB 287

Transportation

- commissioner
 - administrative fee for disposal of land or propertyHB 183
 - approval of highway improvement impact district on class I and II highwaysHB 744
 - condemnation or lease of airport properties, appropriationSB 134
 - consolidation of railroad, public utility, or common carrier, approval requiredHB 631
 - finding of public good for corporation to operate railroadHB 185
 - negotiations with MA for land to build ramp onto route 3 from Daniel Webster HighwaySB 104
 - notification of railroad accidents; rulemakingHB 52
 - requests for new positionsHB 200am
 - rulemaking, logbooks for state owned or operated aircraftHB 667
 - sale of abandoned rail propertiesHB 639
- department
 - 1987 capital improvements appropriation extendedHB 100am
 - additional appropriationHB 777
 - aircraft financial responsibility actHB 133
 - alternative route 101A corridor along Nashua's southwest beltway, study extended ..HB 292am
 - capital improvements appropriationHB 100
 - control and operation of Skyhaven airport transferred, studySB 108
 - data processing operations exempt from authority of information services directorHB 50
 - inventory of access ramps to public waters under their controlHB 202
 - major capital projects, exemption for fish and gameHB 166
 - major capital projects, lease purchase exception from competitive bidding removed ...HB 252
 - presite built housing, rulemaking, certificationHB 519
 - relocation of persons and businesses displaced by federal or state funded programs ...HB 148
 - routes 3 and 11 improvements, community oriented study for implementationHB 305
 - standards for restoration of covered bridges; consultation with historical resources divisionHB 557
 - study of Hooksett's highways and bridges, appropriationHB 193
 - trail connectors on highway rights of way for OHRVsHB 676
 - transfer of funds from general reserve account to turnpikes bureauHB 247
 - Urban Mass Transportation funds carried overHB 246

- Trappers**, interference with prohibited; violationHB 345

Trapping , metal leg traps prohibited	HB 363
Trash haulers , identifying logo on containers; penalty	HB 729
Treasurer, state	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
administrator of abandoned property, costs; amounts from out of state not delivered to counties	HB 764
and deputy, retirement system, membership optional	HB 742
capital reserve fund, nonlapsing; appropriation	SB 172
debt management status reports	HB 715
debt service, 1989 appropriation reduced	SB 4
deposits in qualified public depositories	HB 561
escrow funds for court facility improvements	SB 81
investments, corporations doing business in Northern Ireland, adherence to MacBride principles	HB 223
prompt payment of bills	HB 393
reimbursement from agencies funded by other sources, funds may be attached	SB 171
term of office; transition period	HB 494
Thomas, Georgie A., elected	12
use of general fund excess revenue in lieu of bonds	HB 762
Treasurer, town , removal by revenue administration	HB 650
Tree stumps defined as compost	HB 289
Trees , cutting near water and highways, exemptions and enforcement	HB 486
Tremblay , Mark, student-athlete, res honoring	HR 14
Trials , plaintiff or defendant, right to record proceedings	HB 709
Trucks . See: Motor vehicles, trucks	
Trust funds , towns, brokerage firm assistance	HB 566
Trusts , gross business profits redefined	HB 414
Turnpikes , bureau, additional funds transferred from general reserve account	HB 247

U

Underground storage facilities , violations	
administrative fines	HB 150
by operator, owner not liable	HB 515
Unemployment	
compensation, benefits changed; technical amendments	HB 536
parent principal wage-earner, AFDC eligibility	HB 95
Uniform dwelling unit tax , replacing property tax for school funding	HB 541
Uniform laws	
gifts to minors, termination of custodianship	SB 12
reciprocal enforcement of support, paternity, adjudication required in contested cases	SB 44
trade secrets act adopted	SB 125
uniform commercial code, article 2A, leases	SB 173
Unincorporated towns	
financial reports filed with revenue administration	HB 590
school tax money continually appropriated	HB 136
tax rate adjusted by revenue administration commissioner; overpayments reimbursed	HB 671
zoning, planning, and taxing authority of county commissioners	HB 531
US	
Congress	
petitioning for a national recycling policy	HCR 3
urged to establish veterans' national cemetery in northern New England	SCR 3
Constitution, NH bicentennial commission	
additional appropriation	HB 200am
extended	HB 24
flag, desecration, urging Congress to enact legislation against	HR 31
Internal Revenue Code defined	HB 119am
land taken for flood control, reimbursements determined by revenue administration	HB 766

University of NH

1989 appropriation reduced	HB 762
additional appropriation	HB 777
cooperative extension service	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
Manchester	
1989 appropriation reduced	HB 762
appropriation	HB 777
state documents distributed to library	HB 602
system	
capital improvements appropriation; competitive bids	HB 100
private business not charged for unrequested police protection	HB 662
state employees, combined service, retirement benefits	SB 91
transfer of credits to and from technical institute and vocational technical colleges	HB 156

Unlawful concealment of child, penalty	HB 294
---	--------

Unorganized places

financial reports filed with revenue administration	HB 590
school tax money continually appropriated	HB 136
towns and counties in solid waste disposal cooperation regions	HB 488
zoning, planning, and taxing authority of county commissioners	HB 531

Upper Kimball Pond, Chatham, motorboats, horsepower restricted	HB 154am
---	----------

Upper Valley Lake Sunapee Council, highway study	HB 408
---	--------

Urban Mass Transportation Administration, federal funds carried over	HB 246
---	--------

Utility poles, licenses, exception for existing locations	HB 489
--	--------

V**Vacation travel promotion**

1989 appropriation reduced	HB 762
appropriation	HB 385am

Venable, Rev. Daniel, guest chaplain	65
---	----

Vending machines, federally funded interstate highways, operated by blind	HB 69
--	-------

Vessels, alcoholic beverage license fee increased	HB 764
--	--------

Veterans

home, 1987 capital improvements appropriation extended	HB 100am
national cemetery in northern New England SCR 3	
or service connected total disability, expanded tax exemptions, local option	HB 389
or surviving spouses, tax exemptions increased, local option	HB 387
retired, special number plates	HB 26
tax exemptions, qualifying war or armed conflict	HB 644am
totally and permanently disabled, free hunting and fishing licenses, eligibility criterion ..	HB 302

Veterinarians

disciplinary actions, appeal to supreme court, stay of sanctions prohibited	HB 325
exempt from jury duty	HB 310

Veterinary examiners board, additional appropriation	HB 777
---	--------

Victims

16 or under, depositions, guardian ad litem; videotape requirement for those under 12	
repealed	HB 658
assistance fund, report on use and continuance	HB 764am
assistance program, justice department	HB 578

Video poker machines, definition; administered by safety department	HB 242
--	--------

Videotaped depositions

study	HB 658
witnesses 60 or older in criminal cases	HB 319

Village districts

budget committees, statement of expenditures from officials	HB 192
budget increases limited to 5%	CACR 10
establishment of police departments; comprising two or more towns, may elect 5	
commissioners	HB 598

Village districts (cont.)

financial reports filed with revenue administration, dates changed	HB 590
legislative body and governing body defined	SB 13
municipal budget law recodified	HB 573
special meeting, emergency expenditures, notification to revenue administration before petitioning court	HB 476

Vital records, disclosure to media restricted HB 61**Vocational education**

1989 appropriation changed	HB 762
additional appropriation	HB 777
area school tuition and transportation, supplemental appropriation	HB 762
regional centers	
construction appropriation increased	HB 70
sending district, payment in lieu of tuition	HB 282

Vocational rehabilitation

division	
1989 appropriation reduced	HB 762
additional appropriation	HB 777
program for deaf and hard of hearing; definitions, functions, rulemaking authority ..	HB 134am
head injury advisory council	HB 577
rules for promoting, state board of education	HB 135
supported employment and independent living programs for handicapped	HB 138

Vocational technical colleges

Claremont, expanded nursing programs; appropriation	SB 182
excess funds, nonlapsing account, uses	HB 91am
names changed to technical colleges	HB 59
residential specialist program	HB 581am
transfer of credits to and from University of NH system	HB 156

Voluntary corporations. See: Corporations, voluntary**Volunteers, nonprofit organizations**

assisting police standards and training council, liability limited	HB 82
liability coverage, special insurance compensation fund	HB 275

Voter registration, at locations for motor vehicle registration and driver's license

examination	HB 702
-------------------	--------

W**Wages**

assignment for maintenance orders	HB 483
equal pay act enforced by human rights commission	HB 664
minimum increased; nursing home exemption repealed	HB 189
seasonal defined for purposes of determining overtime compensation	HB 191
week with holiday, 40 hours	HB 757
withholding for child support mandatory; immediate except for good cause; extended until arrears is eliminated	SB 46am

Wakefield, school district, withdrawal from Rochester AREA plan HB 640**Walking disabled, special number plates for relatives** HB 587**Wallis Sands state park, beach "walk on" use fee rule rescinded** HB 171**Wallop-Breaux federal funds, boat launching sites, use for maintenance restricted** HB 286**Walpole, state liquor store, air conditioning appropriation** SB 1**War toy, defined, warning labels required** HB 312**Warburton, Rep. Calvin, remarks about chaplain** 1142**Warner River and Lake Massasecum outlet, Bradford, hydrologic study** HB 344**Warrants**

arrest without, additional provision	HB 158
oral search warrants by telephone	HB 759

Waste. See also: Hazardous waste; Sewage disposal; Solid waste**Waste disposal**

facilities, recycling uses of bottom ash, study	HB 680
incinerator siting, local option, approval of abutting towns	HB 736

Waste disposal (cont.)

- regional districts
 - audits by revenue administration or CPAHB 119
 - committee members, equal numbers from each town.....HB 495
 - withdrawal procedureHB 478
- systems
 - applications for approval, abutters notified of waiver requests.....HB 46
 - permit and installer fees increased.....HB 764

Waste management

- council, name changed from solid waste management councilHB 465
- director
 - recycling centers, permits; rulemaking.....HB 747
 - recycling centers, rulemaking.....HB 627
 - rulemaking authorityHB 67
 - salary increasedHB 126
- division
 - approvable plans for solid waste districtsHB 606
 - ash monitoring program.....HB 689
 - authority over solid waste transporters removed.....HB 360
 - enforcement of prohibition on single use non-biodegradable plastic itemsHB 669
 - hazardous waste, cleanup fund to pay limited enforcement costsHB 19
 - hazardous waste sites photographedHB 20
 - landfill closure program, standards and procedures; active and inactive landfills, study;
 - appropriation.....HB 423
 - medical waste, treatment and disposal, rulemaking authorityHB 544
 - solid waste landfill reduction and cleanup program; special fund.....HB 734
 - standards for closing solid waste facilities.....HB 722
- hazardous transporters to measure liquid hazardous waste.....SB 50
- illegal dumping of garbage, towns may levy civil penaltiesHB 516
- motor vehicle wastes, reclamation or disposalHB 332
- plans, districts, date extendedHB 479

Waste reduction

- and recycling fund, administered by revenue administration from disposal feesHB 746
- assistance program.....HB 413

Waste sites, illegal, reported, amnesty and rewardHB 540**Water**

- analysis fees increased.....HB 764
- bottled, definitions, testing, labelingHB 127
- companies
 - as public utilitiesHB 534am
 - regulated by PUC.....HB 496
- conservation
 - new buildings, plumbing requirementsHB 535
 - plumbing products installed after Jan 1, 1991HB 481
- laws recodified.....HB 728
- acquisition of certain dams and water rights included.....HB 445
- pollution control
 - cease and desist ordersHB 768
 - revolving loan fund, 1989 appropriation reduced; charged against capital reserve fund ..HB 18
 - revolving loan fund, appropriationHB 100am
 - revolving loan fund for municipalities; appropriation.....HB 380
 - revolving loan fund, repayment, standard of fairnessHB 560
 - sewage disposal facilities, state aid, Monroe.....HB 315
 - sewage disposal facilities, state aid, SomersworthHB 364
 - sewage disposal facilities, state share increased to 50%; appropriation.....HB 436
- protection plans, rules by state planning office to serve as guidelines.....HB 546am
- resources board, additional appropriationHB 777
- resources division
 - advisory board repealed; statutory reference to appeal procedure.....SB 181
 - annual dam registration feeHB 764
 - Beaver Brook flood control project repealed.....HB 22
 - dams, registration and classification feesHB 79
 - dams, violations, administrative fines; rulemaking; dam maintenance fund.....HB 89am
 - hearings, certain provisions repealedHB 35

Water (cont.)

resources division (cont.)

permits for dam repair and construction	HB 81
references to board changed to division	HB 34
rulemaking authority	HB 67
shoreline assessment against towns for state maintenance of dams	HB 764
resources management and protection plans, regional, agreements between towns	SB 161
skiing defined, safety rules codified	HB 716
supply and pollution control	
1989 appropriation reduced	HB 762
abutters notified of waiver requests in applications for sewage disposal systems;	
rules	HB 46am
additional appropriation	HB 777
bottled water, rulemaking authority	HB 534
certain fees increased	HB 764
certification of pollution control facility operators, rulemaking	HB 130
director, nominated by environmental services commissioner after consultation with	
council	HB 68am
director, rulemaking authority	HB 67
dredging plans reviewed, fee; 4 positions added	HB 129
notification to downstream municipalities of effluent discharges	HB 661
public water systems, permits; fees set by rules	HB 149
reference to commission changed to division	HB 34
subdividers with 5 acre lots, filing exemption removed	HB 659
wells, rules for protective radii; commercial and non-commercial standards and	
variances	HB 131
written orders for violations, concurrent enforcement with local authorities	HB 132
systems, public, permits from water supply and pollution control, fees	HB 149
utility failure to provide service, receiver appointed	HB 617
wells	
board membership increased; technical drilling defined	HB 54
board, plumber holding pump installer's license exempt from fee	HB 764
tests required for new homes	HB 213
works operators, renewal of certificate	HB 130am

Watercraft safety

1989 appropriation reduced	HB 762
additional appropriation	HB 777
hearings, communication from commissioner Richard M. Flynn	1142
supplemental appropriation, charged against capital reserve fund	HB 762

Waters, public

access sites, surcharge on boat and trailer registrations	HB 427
inventories of access ramps controlled by state agencies	HB 202
operating restrictions, committee to review, hearings	HB 582
shoreline protection study	HB 755

Watson, Geraldine G., former representative, res on death HR 23

Waukeena Lake, Danbury, petroleum powered boats prohibited HB 207

Way, dedicated, abandonment by vote of governing body SB 29

Weapons, firearms and knives as prizes at fairs and carnivals prohibited HB 366

Weeks state park, Lancaster, electrical services improvement appropriation SB 105

Weights and measures, annual testing requirement deleted; training of inspectors; agriculture
 commissioner enforcement powers; rulemaking; administrative fines HB 88

Weirs Beach, alcohol, drug, and AIDS counselors, outreach program HB 418

Welfare, public, fraud, definition; penalties HB 614

Well board. See: Water wells board

Wells

protective radii, rulemaking by water supply and pollution control division	HB 131
water tests required for new homes	HB 213

Wentworth-Douglass hospital, Dover, power to amend articles of agreement HB 553

Wetlands

board

excavating, emergency cessation orders	SB 17
excavating, filing fee increased	HB 764

- Wetlands (cont.)**
 board (cont.)
 excavating in wetlands, permits, penalties increasedHB 80
 excavating permit application to replace noticeHB 764am
 excavating, cease and desist ordersSB 18
 notice requirements for timber cuttingSB 22am
 permits for alteration, recorded in registry of deedsSB 60
- White Mountain national forest**, ownership of, and access to, great ponds; responsibility
 for boat ramps; studyHB 254am
- Whitefield**, Mt. Washington regional airport, automatic weather observation system;
 appropriationHB 235
- WIC program**, appropriationsSB 78
- Widows**, property tax, exemption, \$200, local optionHB 636
- Wildlife habitat** conservation fund, land acquisitionHB 249
- Willand Pond**, Somersworth and Dover, internal combustion engines on ice or open water
 prohibitedHB 28
- Williamson**, Rev. Ruth, guest chaplain523
- Wilson Pond**, Salem, petroleum powered boats prohibitedSB 86
- Wine**
 additional tax for municipal capital improvements fundHB 395
 discounts and credit terms for on-sale licenseesHB 652
 domestic, redefinedHB 29
 license and permit fees increasedHB 764
 representatives and sales agents, displays and promotions in liquor stores and premises of
 permit holdersSB 24
- Wiretapping and eavesdropping**, drug investigations; county attorneys; crimes expanded . .HB 759
- Witnesses**
 16 or under, depositions, guardian ad litem; videotape requirement for those under 12
 repealedHB 658
 depositions by accused limitedHB 759
 minor victims in cases of assault or abuse, statements not excluded, conditions.HB 359
- Women**
 commission on status, executive director, salary increasedHB 368
 hours of labor, statutes repealedHB 163
 infants, and children (WIC) program, appropriationSB 78
 low income pregnant, infants, and children, medicaid services and eligibility expanded . .HB 429
 prison, supplemental appropriationSB 4
- Wood**
 and bark, cord measurement and certification repealedHB 15
 products, slash and mill residue near standing bodies of water and occupied structures;
 terminology changedSB 18
- Workers' compensation**
 action against fellow employee
 burden of proof.HB 280
 indemnification by employer's insurance carrier.HB 284
 call or volunteer firefighter, membership in NH State Fireman's Association deletedSB 8
 co-employee tort immunity reaffirmed; 2 or more employers, wages combined for
 computation of benefits; permanent impairment, spinal injuriesHB 681
 frivolous actions, penaltiesHB 116
 interest increasedHB 194
 medical, hospital, and remedial care monitored, pilot programHB 615
 new disability benefits within 4 yearsHB 195
 part-time police officersHB 297
 permanent impairment awardsHB 283
 temporary partial disability, limitation removedHB 196
 third party recoveries, certain amount to injured employeeHB 281
- Wreckers** redefined.HB 103
- Wrongful death**, damages, elements to be considered, limitation increasedHB 367

Y

- Yard waste** defined as compostHB 289

Year of the familyHB 660

Youth development center. See: Residential services bureau, children and youth services division

Youth employment law

 hours of laborHB 163

 restrictions on minors enrolled in school, penaltiesSB 203

Z

Zoning

 and planning violations, cease and desist ordersHB 730

 board of adjustment

 appeals, administrative officer and decision definedHB 472

 decisions, filed and indexed with state planning office, public accessibility;

 appropriationHB 225

 capital improvement impact feesHB 588

 emergency situations, cluster development discretionary; business ventures lowering

 property values prohibitedHB 550

 ordinances and amendments

 adopted by vote of affected property ownersHB 760

 cease and desist orders for violationsHB 730

 child day care facilitatedHB 507

 defeated, reintroduction prohibited for 2 yearsHB 527

 impact fees authorizationHB 572

 proposed, discretionary notice to affected property owners by planning boardSB 139

 protest petitions, limitationsHB 512

 subdivisions with 5 acre lots, exemption from filing with WSPCD removedHB 659

 towns discouraged from restricting forestry activitiesHB 457

 unincorporated towns and unorganized places, authority of county commissionersHB 531

 variances, developments with regional impact, procedureHB 471

Zoological park, aquarium, and botanical garden, privately funded, studySB 179am

HOUSE JOURNAL

NUMERICAL INDEX

This index, arranged by bill and resolution number, gives page numbers for all action in the House on each numbered bill and resolution. They are listed in the following order:

HB	House Bills
HCR	House Concurrent Resolutions
HBI	House Bills of Intent
HR	House Resolutions
SB	Senate Bills
SCR	Senate Concurrent Resolutions
CACR	Constitutional Amendment Concurrent Resolution

To find a bill by its subject see the Subject Index immediately preceding this numerical index. All matters not relating to bills and resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
Com	re-referred to committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
Exec. Depts	referred to Executive Departments and Administration committee
ext	extension of time for hearing
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	conconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rem	removed from consent calendar
rep	report
req	requests, rrequested
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
Ways and Means	referred to Ways and Means committee
wthd	withdrawn

HOUSE BILLS

HB 1 - 9 not introduced

HB 10, relative to legalizing the March 30, 1987, Conway Village Fire District meeting. (Allard of Car. 2 - To Municipal and County Government)

First new title: relative to legalizing the Conway Village Fire District meeting of March 30, 1987, and to supervisors of the checklist for the Conway annual town meeting.

Second new title: relative to supervisors of the checklist for the Conway annual town meeting. 26, am 122-123, psd 130, conc S am 828, enr 907 (Chapter 112)

HB 11-FN-A, relative to the payment of a claim against the state and making an appropriation therefor. (Kidder of Mer. 2 - To Appropriations)

26, am 496, psd 522, S conc 858, enr 866 (Chapter 108)

HB 12, relative to rulemaking of the pesticide control board of the department of agriculture. (Townsend of Graf. 13 - To Environment and Agriculture)

26, rem 117, K 129

- HB 13**, relative to catering licenses for serving alcoholic beverages outside. (Campbell of Rock. 20 - To Regulated Revenues)
26, K 416
- HB 14**, relative to legalizing the Epping town meeting of March, 1988. (Hoar of Rock. 6 - To Municipal and County Government)
New title: relative to legalizing town meetings.
26, am 123, psd 130, conc S am 829, enr 907 (Chapter 113)
- HB 15**, repealing certain laws relative to measuring wood. (Millard of Mer. 4 - To Commerce, Small Business and Consumer Affairs)
26, psd 118, 130, S conc 692, enr 718 (Chapter 47)
- HB 16**, relative to advertising potatoes. (Campbell of Rock. 20 - To Commerce, Small Business and Consumer Affairs)
26, psd 119, 130, S conc 465, enr 687 (Chapter 31)
- HB 17**, changing the language of the oath administered to petit jurors in criminal cases. (Johnson of Mer. 5 - To Judiciary)
26, psd 67, 91, S conc 465, enr 524 (Chapter 5)
- HB 18**, decriminalizing adultery. (Green of Hil. 36 - To Judiciary)
26, psd (RC) 124-128, 130, S nonconc 693
- HB 19**, regarding the use of the hazardous waste cleanup fund. (Sherburne of Rock. 2 - To Environment and Agriculture)
26, am 209, psd 247, conc S am 1032, enr 1069 (Chapter 222)
- HB 20**, authorizing investigators to photograph hazardous waste sites. (Sherburne of Rock. 2 - To Environment and Agriculture)
26, psd 183, 200, S conc 465, enr 598 (Chapter 6)
- HB 21**, relative to school administrative units. (Skinner of Rock. 21 - To Education)
26, K 292
- HB 22**, repealing an act relative to the Beaver Brook flood control project. (Cole of Ches. 3 - To Resources, Recreation and Development)
26, K 416
- HB 23**, reviving the charter of the Sportsmen's Club of Wolfeboro, New Hampshire. (Chase of Car. 6 - To Constitutional and Statutory Revision)
26, K 66
- HB 24-FN-A**, relative to the bicentennial commission and making an appropriation therefor. (Chase of Car. 6 - To Appropriations)
New title: relative to the bicentennial commission.
26, am 496-497, psd 522, S conc 984, enr 1068 (Chapter 183)
- HB 25**, relative to surrogate parenting contracts. (Green of Hil. 36 - To Judiciary)
26, K 194
- HB 26-FN**, relative to license plates for retired veterans. (Asplund of Mer. 10 - To Transportation)
26, K 488
- HB 27**, prohibiting hunting in a specified portion of the town of Bow with any firearm other than a shotgun, muzzle loading rifle, or bow and arrow. (Stio of Mer. 5; Johnson of Mer. 5 - To Fish and Game)
26, psd 121, 130, S conc 691, enr 687 (Chapter 32)
- HB 28**, prohibiting internal combustion engines on Willand Pond in the cities of Somersworth and Dover. (Frechette of Str. 8; Kincaid of Str. 7 - To Transportation)
26, psd 488, 521, S conc 909, enr am 1034, enr 1069 (Chapter 223)
- HB 29**, relative to liquor laws. (Behrens of Sul. 3 - To Regulated Revenues)
26, am 148-149, psd 161, nonconc S am, conf 1035, 1054, rep adop 1138, 1159, enr am 1178, enr 1183 (Chapter 320)
- HB 30-A**, relative to the police standards and training council facility and making an appropriation therefor. (Benton of Rock. 5 - To Public Works)
27, K 147
- HB 31**, recodifying the laws pertaining to the elderly. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
27, psd 186, 200, S conc 523, enr 664 (Chapter 7)
- HB 32-A**, relative to the Hampton seawall and making an appropriation therefor. (Parr of Rock. 17 - To Public Works)
27, am & Approp 268-269, psd 724, 759, S conc 909, enr 1027 (Chapter 137)

- HB 33**, prohibiting ski craft on Stinson Lake in the town of Rumney. (Lewis of Mer. 5 - To Transportation)
27, Com 635, 1196
- HB 34**, correcting references in the law relating to the division of water resources. (Lewis of Mer. 5; McCann of Str. 7 - To Resources, Recreation and Development)
27, am 416, psd 464, S conc 858, enr 942 (Chapter 138)
- HB 35**, repealing certain provisions of law relating to the division of water resources. (Lewis of Mer. 5; Conroy of Rock. 7 - To Resources, Recreation and Development)
27, K 416
- HB 36**, relative to library records confidentiality. (Skinner of Rock. 21 - To State Institutions and Housing)
27, am 191-192, psd 200, conc S am 912, enr 1068 (Chapter 184)
- HB 37**, relative to the taking of raccoons. (Dickinson of Car. 2 et al - To Fish and Game)
27, am 145, psd 161, S conc 691, enr 687 (Chapter 33)
- HB 38**, increasing the legal length of lobster. (Dickinson of Car. 2; Drake of Rock. 18 - To Fish and Game)
New title: increasing the legal length of lobster; establishing a lobster management program and creating an advisory committee.
27, am 154-156, psd 161, conc S am 759, recon rej 824 enr 857, appointments 1200 (Chapter 78)
- HB 39**, relative to the distribution of OHRV fees. (LaMott of Graf. 5- To Executive Departments and Administration)
27, am & Approp 209-211, psd 724, 759, conc S am 1050, enr 1110 (Chapter 282)
- HB 40**, relative to intrastate motor carriers. (Haynes of Rock. 9 - To Transportation)
27, am 434-435, psd 464, conc S am 859, enr 1027 (Chapter 139)
- HB 41**, clarifying the authority of municipalities to form districts for the purpose of hiring municipal prosecutors. (Sytek of Rock. 20 - To Judiciary)
27, am 122, psd 130, conc S am 1032, enr 1082 (Chapter 257)
- HB 42**, relative to actuarial review of rate filings. (Christy of Graf. 11 To Commerce, Small Business and Consumer Affairs)
27, am 119, psd 130 nonconc S am, conf 1044, 1053, rep adop 1138, 1159 (K)
- HB 43**, transferring the authority to regulate professional bondsmen from the insurance commissioner to the director of the office of securities regulation. (Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)
27, psd 119, 130, S conc 466, enr 524 (Chapter 8)
- HB 44**, relative to confidentiality of certain information filed with the insurance commissioner. (Krueger of Sul. 6 - To Commerce, Small Business and Consumer Affairs)
27, K 119
- HB 45**, to increase the age limit relative to the motor vehicle child restraint requirement. (Green of Hil. 36 - To Children, Youth and Juvenile Justice)
27, am 150-151, psd 161, conc S am 1049, enr 1180 (Chapter 302)
- HB 46**, requiring notice of applications for approval of plans for a subdivision or a waste disposal system which contain waiver request. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
New title: relative to applications for approval of plans for a waste disposal system which contain encroachment waiver requests.
27, am 279-281, psd 311, S conc 763, enr 856 (Chapter 79)
- HB 47**, relative to the Monadnock advisory commission. (Matson of Ches. 7 - To Municipal and County Government)
27, K 128-129
- HB 48**, making English the official language of the state. (Raynowska of Rock. 20; Roulston of Rock. 20 - To Education)
27, K 154
- HB 49**, prohibiting ski craft on Rust Pond, Lake Wentworth and Crescent Lake in the town of Wolfeboro. (Chase of Car. 6 - To Transportation)
28, Com 635, 1196
- HB 50**, exempting the department of transportation from the authority of the director of information services. (Pearson of Bel. 5 - To Executive Departments and Administration)
First new title: exempting the department of transportation, the department of safety, and the department of postsecondary vocational-technical education from the authority of the director of information services.

Second new title: exempting the department of transportation and the department of safety from the authority of the director of information services.

28, am 262, psd 310, nonconc S am, conf 1045, 1053, 1101, rep adop 1138, 1159, enr am 1170, enr 1182 (Chapter 321)

HB 51, relative to a vehicle width on certain highways. (Pearson of Bel. 5 - To Transportation)
28, rem 66, rcmt (RC) 68-71, psd (RC) 371-375, 392, S conc 692, enr 715 (Chapter 48)

HB 52, relative to rail accident reporting requirements. (Pearson of Bel. 5 - To Transportation)
28, psd 67-68, 91, S conc 466, enr 524 (Chapter 9)

HB 53, relative to syringes for diabetics. (Chase of Rock. 28 - To Health, Human Services and Elderly Affairs)
28, am 213-215, psd 247, S conc 691, enr 687 (Chapter 34)

HB 54, adding a member to the water well board. (LaMott of Graf. 5 - To Resources, Recreation and Development)
28, am & Exec. Depts 281, psd 620, 686, S conc 828, enr 857 (Chapter 80)

HB 55, prohibiting the use and operation of ski craft on Country Pond in the towns of Kingston and Newton. (Welch of Rock. 10 - To Transportation)
28, K 488

HB 56-FN-A, authorizing a collection program for unwanted pesticides in the possession of farmers and making an appropriation therefor. (Bardsley of Mer. 1; Campbell of Rock. 20 - To Environment and Agriculture)
28, am & Approp 120, am 764-765, psd 825, conc S am 1049, enr 1110 (Chapter 283)

HB 57-FN-A, appropriating funds to the department of agriculture to continue work on the Eastern States Building. (Steiner of Hil. 33 - To Environment and Agriculture)
28, Approp 120, psd 774, 826, S conc 984, enr 1068 (Chapter 185)

HB 58-FN-A, appropriating funds for inspection of apiaries and prevention of honeybee colony contamination. (Millard of Mer. 4 - To Environment and Agriculture)
28, am & Approp 120-121, psd 765, 825, S conc 1031, enr 1070 (Chapter 224)

HB 59, changing the name of the New Hampshire vocational-technical college education system. (LaMott of Graf. 5 - To Education)
28, psd 143, 161, conc S am 1031, enr am 1075, enr 1180 (Chapter 303)

HB 60, relative to pronouncement of death by nurses. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)
28, am 186-187, psd 200, S conc 466, enr 598 (Chapter 10)

HB 61, relative to accessibility of vital records. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)
28, psd 187, 200, S nonconc 523

HB 62-FN, adding administrative fines to the laws relative to auctioning and shipping livestock. (Millard of Mer. 4 - To Environment and Agriculture)
28, am 121, psd 130, S conc 466, enr 524 (Chapter 11)

HB 63-FN, relative to equine infectious anemia. (Millard of Mer. 4 - To Environment and Agriculture)
28, am 121, psd 130, S conc 466, enr 524 (Chapter 12)

HB 64-FN, requiring rabies shots for cats. (Millard of Mer. 4 - To Public Protection and Veterans Affairs)
New title: relative to immunizing cats against rabies and licensing cats.
28, am 356-357, psd 392, S nonconc 763

HB 65-FN, adding administrative fines to certain provisions of the agriculture laws. (Millard of Mer. 4 - To Environment and Agriculture)
28, am 121, psd 130, S conc 466, enr 524 (Chapter 13)

HB 66, removing the exemption of health maintenance organizations from certain laws. (Foss of Str. 10; Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
New title: relative to health maintenance organizations.
28, am 497-500, psd 522, conc S am 910, enr 1068 (Chapter 186)

HB 67, specifying the rulemaking authority of the commissioner and the directors of the department of environmental services. (Dickinson of Car. 2; Buckley of Coos 2 - To Executive Departments and Administration)
28, am 402-403, psd 463, S nonconc 1048

HB 68, relative to certain division directors of the department of environmental services. (Roulston of Rock. 20 et al - To Executive Departments and Administration)

New title: relative to the director of water supply and pollution control.
29, am 295-296, psd 311, S nonconc 692

HB 69, relative to highway vending facilities operated by the blind. (Sochalski of Rock. 23 - To Transportation)
29, psd 68, 91 (K)

HB 70-A, increasing the appropriation for constructing regional vocational education centers. (Robinson of Hil. 12 et al - To Public Works)
First new title: establishing a study committee to examine the vocational education system.
Second new title: increasing the appropriation for constructing regional vocational education centers.
29, am 414-415, psd 463, nonconc S am, conf 829, 869, rep adop 1138, 1159, enr 1182 (Chapter 322)

HB 71, relative to the department of education. (Skinner of Rock. 21 - To Education)
29, psd 119, 130, conc S am 693, enr 718 (Chapter 49)

HB 72, relative to delays in civil proceedings caused by attorneys. (Seward of Rock. 3 - To Judiciary)
29, K 66-67

HB 73, relative to legal actions involving real estate. (Seward of Rock. 3 - To Judiciary)
29, K 122

HB 74, extending the time for the filing of a report by the municipal charter study committee. (Perry of Ches. 10 - To Municipal and County Government)
29, psd 123, 130, S conc 466, enr 524 (Chapter 14)

HB 75, repealing a provision allowing probation-parole officers to carry firearms. (Ward of Graf. 1; McCain of Rock. 11 - To Public Protection and Veterans Affairs)
29, K 67

HB 76-FN, relative to hearings on tax abatements for property taxes. (Malcolm of Rock. 17 - To Municipal and County Government)
29, K 188-189

HB 77-FN, relative to the pharmacy board. (Sytek of Rock. 20 - To Executive Departments and Administration)
29, am 453, psd 464, S conc 1047, enr 1082 (Chapter 258)

HB 78-FN, requiring correctional line personnel to have major responsibility for security for group II retirement purposes. (McCain of Rock. 11 - To Executive Departments and Administration)
29, Approp 211, Com 745, 1196

HB 79-FN, requiring registration fees and classification fees for certain unregistered dams. (Young of Str. 10 - To Resources, Recreation and Development)
29, K 326

HB 80-FN, relative to land under the jurisdiction of the wetlands board. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
New title: relative to land under the jurisdiction of the wetlands board and relative to the penalties of the wetlands board.
29, am 416-417, psd 464, conc S am 986, enr 1069 (Chapter 225)

HB 81-FN, relative to dam permitting authority. (Dickinson of Car 2; Bardsley of Mer. 1 - To Resources, Recreation and Development)
29, am 326-329, psd 392, conc S am 1033, enr 1082 (Chapter 259)

HB 82-FN, relative to the police standards and training council. (Flanders of Rock. 10; Palumbo of Rock. 10 - To Public Protection and Veterans Affairs)
New title: relative to the police standards and training council and the fire standards and training commission.
29, am & Approp 146-147, psd 724, 759, conc S am 1033, enr 1083 (Chapter 260)

HB 83-FN, relative to employer reimbursements and the New Hampshire retirement system board of trustees. (Campbell of Bel. 5 - To Executive Departments and Administration)
29, K 192-193

HB 84-FN, relative to employees of political subdivisions purchasing creditable service in the New Hampshire retirement system. (Campbell of Bel. 5 - To Executive Departments and Administration)
29, am & Approp 471-472, psd 724-725, 759, S conc 1031, enr 1069 (Chapter 226)

HB 85-FN, relative to employer enrollment oversight and the New Hampshire retirement system. (Campbell of Bel. 5 - To Executive Departments and Administration)

First new title: relative to employer enrollment oversight and the New Hampshire retirement system and relative to eligibility for membership in the retirement system.

Second new title: relative to employer enrollment oversight and the New Hampshire retirement system, relative to eligibility for membership in the retirement system, and relative to a director of finance for the retirement system.

29, am & Approp 505-506, am 725-726, psd 759 nonconc S am, conf 1068, 1073, rep adop 1138, 1159, enr 1182 (Chapter 323)

HB 86-FN, relative to employer remittances to the New Hampshire retirement system. (Campbell of Bel. 5 - To Executive Departments and Administration)

New title: relative to employer remittances to the New Hampshire retirement system and relative to retirement contributions by certain legislative and constitutional officers.

30, Approp 262-263, am 745-746, psd 760 S nonconc 910

HB 87-FN, relative to group II accidental disability allowances. (Campbell of Bel. 5 - To Executive Departments and Administration)

30, Approp 263, am 727, psd 759 S conc 1047, enr 1082 (Chapter 261)

HB 88-FN, relative to weights and measures. (Millard of Mer. 4 - To Commerce, Small Business and Consumer Affairs)

30, am & Approp 530-532, psd 765, 825, conc S am 1073, enr am 1160, enr 1180 (Chapter 324)

HB 89-FN, giving the division of water resources the authority to levy administrative fines for certain violations relating to dams. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)

30, am 224-225, psd 248, S conc 466, enr 598 (Chapter 15)

HB 90-FN, relative to distribution of the Carl Perkins grant. (LaMott of Graf. 5 et al - To Education)

30, K 316

HB 91-FN, relative to vocational training and technical education programs. (LaMott of Graf. 5 - To Education)

New title: relative to the New Hampshire technical institute and vocational-technical colleges.

30, am & Approp 143-144, am 727-728, psd 759, S conc 909, enr 1026 (Chapter 140)

HB 92-FN, imposing liens on certain nursing homes. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)

30, am 298-299, psd 311, S nonconc 910

HB 93-FN, relative to the board of nursing. (Torr of Str. 6 - To Executive Departments and Administration)

30, ext 399, am 620-621, psd 686, conc S am 859, enr 942 (Chapter 141)

HB 94-FN, relative to pre-admission screening for nursing homes. (Copenhaver of Graf. 12 - To Health, Human Services and Elderly Affairs)

30, Approp 187, psd 728, 759, S conc 868, enr 1027 (Chapter 142)

HB 95-FN, relative to eligibility criteria for AFDC recipients. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)

30, am & Approp 187, Com 728, 1196

HB 96-FN-A, increasing the personal needs allowance and making an appropriation therefor. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)

New title: increasing the personal needs allowance.

30, Approp 193, am 728-729, psd 759, conc S am 1050, enr 1180 (Chapter 304)

HB 97-FN, relative to eligibility for public assistance. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)

30, am 188, psd 200, S conc 523, enr 664 (Chapter 16)

HB 98-FN, reimbursing counties and towns for general assistance funds allocated to the cost of prescription drugs. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)

30, psd 188, 200, conc S am 1032, enr 1069 (Chapter 227)

HB 99-FN, relative to establishing a uniform fine schedule for fish and game law violations. (Perham of Hil. 10 - To Fish and Game)

30, psd 121, 130, S conc 691, enr am 832-833, enr 907 (Chapter 114)

HB 100-A, making appropriations for capital improvements. (Phelps of Mer. 1; Sen. Torr - To Public Works)

201, am & Approp 577-584, am 774-777, psd 826, nonconc S am, conf 1035, 1048, rep adop 1150, 1159, enr 1182, message from governor 1184 (Chapter 367)

HB 101-FN, relative to budgetary transfer authority of the department of health and human services. (LaMott of Graf. 5 et al - To Health, Human Services and Elderly Affairs)

30, am 215-216, psd 247, nonconc S am, conf 1045, 1053 (K)

- HB 102-FN**, relative to the department of libraries, arts and historical resources. (Hawkins of Bel. 5 - To State Institutions and Housing)
30, am 242-245, psd 248, S conc 523, enr 687 (Chapter 35)
- HB 103-FN**, relative to motor vehicle laws. (Gordon of Ches. 5; Haynes of Rock. 9 - To Transportation)
30, rem 524, am & Approp 591-594, rem 764, am (RC) 808-813, psd 826, conc S am 1050, enr 1180 (Chapter 305)
- HB 104-FN**, relative to common and contract carriers. (Flanders of Rock. 10 - To Transportation)
30, am & Approp 435-436, rem 724, psd 749, 760, nonconc S am, conf 1068, 1073, rep adop 1138, 1159, enr am 1171, enr 1183 (Chapter 325)
- HB 105-FN**, relative to licensing lay-midwifery. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)
30, Com 321, 1196
- HB 106-FN**, transferring regulation of crematories from the division of public health services to the board of registration of funeral directors and embalmers. (Sochalski of Rock. 23 - To Executive Departments and Administration)
30-31, K 211
- HB 107-FN**, relative to food service licensure. (Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)
31, psd 188, 200, S conc 523, enr 664 (Chapter 17)
- HB 108-FN**, licensing massage practitioners and massage establishments. (Sochalski of Rock. 23 - To Executive Departments and Administration)
31, Com 320, 1196
- HB 109-FN**, relative to physicians and dentists in the department of health and human services and the department of corrections. (Sochalski of Rock. 23 - To Executive Departments and Administration)
31, am & Approp 263, psd 765, 825, S nonconc 1030
- HB 110-FN**, relative to low and moderate income housing. (Whitcomb of Graf. 1 - To State Institutions and Housing)
31, am 225, psd 248, S conc 523, enr 664 (Chapter 18)
- HB 111**, relative to moorings. (Hawkins of Bel. 5 - To Transportation)
31, am 488, psd 522, conc S am 1050, enr 1110 (Chapter 284)
- HB 112-FN**, relative to enforcing the boating laws. (Hawkins of Bel. 5 To Transportation)
31, am 489, psd 522, conc S am 860, enr 1026 (Chapter 143)
- HB 113-FN**, to define certain police trainers as permanent policemen for retirement system purposes. (Hawkins of Bel. 5; MacDonald of Car. 6 - To Executive Departments and Administration)
31, am & Approp 211, rem 724, SO 749, am 763-764, psd 825, S conc 984, enr 1068 (Chapter 187)
- HB 114-FN**, allowing the district courts to approve petitions for services other than counsel. (Sytek of Rock. 20 - To Judiciary)
31, psd 67, 91, S conc 909, enr 1069 (Chapter 188)
- HB 115-FN**, reducing to a violation the misdemeanor offense of driving after revocation or suspension when it is a first offense and unrelated to DWI or reckless driving. (Sytek of Rock. 20 - To Judiciary)
31, am 128, psd 130, S conc 984, enr 1070 (Chapter 189)
- HB 116-FN**, relative to frivolous claims or denials of workers' compensation awards. (MacDonald of Rock. 7 - To Labor, Industrial and Rehabilitative Services)
31, Com 323, 1196
- HB 117-FN**, relative to feeding garbage to swine. (Millard of Mer. 4 - To Environment and Agriculture)
31, am 450-451, psd 464, nonconc S am, conf 1045, 1053, 1072, 1101, rep adop 1138, 1159, enr 1182 (Chapter 326)
- HB 118**, relative to collision damage waiver. (Drolet of Hil. 8; Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
31, am 466-468, psd 521, nonconc S am, conf 1029, nonconc conf req 1053
- HB 119-FN**, making technical changes in certain revenue statutes for the department of revenue administration. (Matson of Ches. 7 - To Ways and Means)
31, am 493-495, psd 522, S conc 692, enr 717 (Chapter 50)

- HB 120-FN**, increasing the amount available for suggestion and incentive awards to state employees. (McCain of Rock. 11 - To Executive Departments and Administration)
31, Approp 211-212, am 765-766, psd 825, conc S am 1032, enr 1069 (Chapter 228)
- HB 121-FN**, regarding position reclassification and retroactive pay. (McCain of Rock. 11 - To Executive Departments and Administration)
31, K 263
- HB 122-FN**, relative to concession contracts at certain state facilities. (Matson of Ches. 7 - To Resources, Recreation and Development)
31, psd 124, 130, S conc 466, enr 524 (Chapter 19)
- HB 123-FN**, relative to the office of securities regulation. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
31, am 181-182, psd 200, conc S am 828, enr 1027 (Chapter 144)
- HB 124-FN**, relative to the annual fee for issuers of open-end mutual funds and relative to fees charged for licenses of broker-dealers, investment advisors, and issuer-dealers. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
31, psd 182, 200, S conc 466, enr 598 (Chapter 20)
- HB 125-FN**, relative to securities registration statements and the investigatory fund of the office of securities regulation. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
New title: relative to securities registration statements and rulemaking by the director of the office of securities regulation.
32, am 142-143, psd 161, S conc 466, enr 524 (Chapter 21)
- HB 126-FN**, relative to salaries in the department of environmental services. (Sherburne of Rock. 2 - To Executive Departments and Administration)
32, K 212
- HB 127-FN**, increasing fees for laboratory services. (Roulston of Rock. 20 - To Resources, Recreation and Development)
32, am & Approp 329, psd 729, 759, S nonconc 910
- HB 128-FN**, authorizing the department of environmental services to impose administrative fines for hazardous waste management violations. (Sherburne of Rock. 2 - To Environment and Agriculture)
32, psd 183, 200, S conc 466, enr 598 (Chapter 22)
- HB 129-FN**, establishing fees for reviewing plans to dredge and creating new classified positions. (Smith of Hil. 21 - To Resources, Recreation and Development)
New title: establishing fees for reviewing plans to dredge and creating new classified positions and making an appropriation therefor.
32, Approp 282, am 729-730, psd 759, S conc 984, enr 1069 (Chapter 190)
- HB 130-FN**, requiring certification of operators of pollution control facilities. (Cole of Ches. 10; Marston of Str. 6 - To Resources, Recreation and Development)
New title: requiring certification of operators of pollution control facilities and relative to renewals of water works operator certificates.
32, am 282, psd 311, S conc 763, enr 856 (Chapter 81)
- HB 131-FN**, relative to protective well radii for private water wells. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
32, am 282-284, psd 311, S conc 828, enr am 943, enr 1070 (Chapter 191)
- HB 132-FN**, relative to the division of water supply and pollution control enforcement orders. (Avery of Ches. 5 et al - To Resources, Recreation and Development)
32, psd 368, 392, S conc 763, enr 856 (Chapter 82)
- HB 133-FN**, relative to the aircraft financial responsibility act. (Dwyer of Hil. 41 - To Commerce, Small Business and Consumer Affairs)
32, K 468
- HB 134-FN**, relative to the deaf and hearing impaired. (Sochalski of Rock. 23 - To Education)
New title: relative to the deaf and hard of hearing.
32, am 144-145, psd 161, conc S am 693, enr 718 (Chapter 51)
- HB 135-FN**, relative to school administration. (Skinner of Rock. 21 - To Education)
32, am 206-207, psd 247, nonconc S am 1054
- HB 136-FN-A**, relative to education in unorganized places and making an appropriation therefor. (Horton of Coos 4; Sen. Bond - To Education)

New title: relative to education in unorganized places.

32, Approp 124, am 730, psd 759, conc S am 1031, enr 1082 (Chapter 262)

HB 137-FN-A, relative to an educational resources and learning center and making an appropriation therefor. (Bolduc of Bel. 10 - To Education)
32, K 207

HB 138-FN, providing for a supportive employment program and for an independent living program. (Sochalski of Rock. 23 - To Education)

New title: providing for a supported employment program and for an independent living program.

32, am 261-262, psd 310, conc S am 828, enr am 943-944, enr 1026 (Chapter 145)

HB 139-FN-A, establishing a fair hearings office administratively attached to the department of education and making an appropriation therefor. (Pantzer of Mer. 11 et al - To Executive Departments and Administration)

32, Com 320, 1196

HB 140-FN, relative to delinquent children and children in need of services. (Pignatelli of Hil. 31. - To Children, Youth and Juvenile Justice)

32, am 204-205, psd 247, conc S am 1031, enr 1110 (Chapter 285)

HB 141-FN, relative to liability of parents for expenses. (Pignatelli of Hil. 31; Sen. Bond - To Children, Youth and Juvenile Justice)

New title: relative to liability for expenses.

32, am 180-181, psd 200, S nonconc 692

HB 142-FN, relative to liability of expenses for the support and necessities of minors. (Pignatelli of Hil. 31; Sen. Bond - To Children, Youth and Juvenile Justice)

32 psd 118, 130, conc S am 910, enr 1070 (Chapter 229)

HB 143-FN-A, making appropriations to the division for children and youth services for juvenile services. (Wallner of Mer. 18 - To Children, Youth and Juvenile Justice)

New title: making an appropriation to the division for children and youth services to fund certain positions.

33, am & Approp 226-227, K 730

HB 144-FN-A, relative to minor mothers and their infants and making an appropriation therefor. (Wadsworth of Graf. 13 - To Children, Youth and Juvenile Justice)

New title: relative to minor mothers and their infants.

33, am 118, psd 130, S conc 909, enr am 1051, enr 1110 (Chapter 286)

HB 145-FN, making name and definitional changes relative to children and youth services. (Pignatelli of Hil. 31 - To Children, Youth and Juvenile Justice)

New title: relative to children and youth services.

33, am 141-142, psd 160, S conc 909, enr 1026 (Chapter 146)

HB 146-FN, relative to the milk standard. (Millard of Mer. 4 - To Environment and Agriculture)

33, am 183-185, psd 200, nonconc S am, conf 1045, 1053, rep adop 1138, 1159, enr 1182 (Chapter 327)

HB 147-FN, relative to commercial driver licensing. (Gordon of Ches. 5; Haynes of Rock. 9 - To Transportation)

33 am 550-553, psd 596, conc S am 1033, enr am 1160-1161, enr 1180 (Chapter 319)

HB 148-FN, relative to relocation assistance and real property acquisition. (Pearson of Bel. 5 - To Public Works)

33, am 269-276, psd 311, conc S am 718, enr am 860, enr 942 (Chapter 147)

HB 149-FN, relative to operational permits for public water systems. (Marston of Str. 6; Lewis of Mer. 5 - To Resources, Recreation and Development)

33, ext 203, Com 417, 1196

HB 150-FN, authorizing the imposition of administrative fines for certain oil pollution control offenses and clarifying terminology in oil pollution control laws. (Spear of Ches. 13; Lewis of Mer. 5 - To Resources, Recreation and Development)

33, am 329-331, psd 392, conc S am 911, enr 1070 (Chapter 230)

HB 151-FN-A, continually appropriating revenue from certain OHRV fines. (LaMott of Graf. 5 - To Executive Departments and Administration)

33, psd 263, 310, S conc 763, enr 857 (Chapter 83)

HB 152, legalizing a special town meeting of the town of Littleton. (Ward of Graf. 1 et al - To Municipal and County Government)

rules suspended, intro & psd 25, S conc 38, enr 39 (Chapter 1)

- HB 153**, giving certain property lessee's associations a right of first refusal when land is sold. (Boucher of Rock. 23 - To Commerce, Small Business and Consumer Affairs)
47, K 205-206
- HB 154**, prohibiting ski craft and limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham. (Chandler of Car. 1; Sen. Heath - To Transportation)
New title: limiting the horsepower of motors on Upper Kimball Pond in the town of Chatham.
47, am 635-636, psd 686, S conc 763, enr 857 (Chapter 84)
- HB 155**, relative to correcting an error in the March 10, 1987, Hooksett school district election ballot. (Boucher of Mer. 9 et al - To Municipal and County Government)
New title: relative to correcting defects in the March 10, 1987 Hooksett school district election ballot and the March 14, 1989, Marlborough town meeting.
47, am 189, psd 200, conc S am 911, enr 1069 (Chapter 192)
- HB 156**, relative to transferring academic credits between the university and postsecondary vocational-technical education systems. (LaMott of Graf. 5 - To Education)
47, K 207
- HB 157-FN-A**, relative to state ski operations at Mount Sunapee and Cannon Mountain and making an appropriation therefor. (Weymouth of Graf. 2; Sen. Dupont - To Resources, Recreation and Development)
47, Approp 149-150, am 731, psd 759, S conc 1031, enr 1070 (Chapter 231)
- HB 158**, relative to arrests without a warrant. (Fields of Hil. 13 - To Judiciary)
47, K 122
- HB 159**, repealing certain railroad bridge requirements. (Pearson of Bel. 5 - To Transportation)
47, psd 192, 200, S conc 692, enr 718 (Chapter 52)
- HB 160-FN**, to repeal the state recreational fund. (Rounds of Graf. 10 - To Resources, Recreation and Development)
47, psd 150, 161, S conc 466, enr 524 (Chapter 23)
- HB 161**, extending the illiteracy and dropout prevention legislative study committee. (Bolduc of Bel. 10 et al - To Education)
47, psd 124, 130, S conc 466, enr 524 (Chapter 24)
- HB 162**, restricting credit card finance charges. (Dube of Hil. 14 - To Commerce, Small Business and Consumer Affairs)
47, K 182
- HB 163**, concerning certain labor laws. (Nichols of Mer. 2; Chambers of Graf. 12 - To Labor, Industrial and Rehabilitative Services)
47, am 323-324, psd 392, S conc 692, enr 714 (Chapter 53)
- HB 164**, relative to the size of bargaining units. (Toomey of Hil. 27 et al - To Labor, Industrial and Rehabilitative Services)
47, K 217
- HB 165**, relative to labor unions of supervisors. (Toomey of Hil. 27 et al - To Labor, Industrial and Rehabilitative Services)
48, Com 324, 1196
- HB 166-FN-A**, authorizing a maintenance and construction crew for the department of fish and game and making an appropriation therefor. (Boucher of Rock. 23 - To Fish and Game)
New title: relative to capital projects for the department of fish and game and authorizing a maintenance and construction crew for the fish and game department and making an appropriation therefor.
48, Approp 145, am 731-732, psd 759, S conc 909, enr 1027 (Chapter 148)
- HB 167-FN**, relative to taking or acquisition of condominium common areas by eminent domain. (Pearson of Bel. 5 - To State Institutions and Housing)
48, am 225, psd 248, conc S am 829, enr 942 (Chapter 149)
- HB 168**, relative to driver's license revocation or denial for involvement with drugs and alcohol. (Flanders of Rock. 10 et al - To Judiciary)
48, K 300
- HB 169**, relative to Martin Luther King Day. (Long of Hil. 25 et al - To Executive Departments and Administration)
48, K (RC) 236-240, remarks not recorded 249
- HB 170-FN**, relative to surveying town boundaries. (Fraser of Mer.6; Sen. Freese - To Municipal and County Government)
48, K 146

- HB 171-FN**, relative to fees at certain state park beaches. (Ritzo of Rock. 18 et al - To Resources, Recreation and Development)
48, rem 313, Com (RC) 388-391, 1196
- HB 172-FN**, relative to distribution of sweepstakes revenue. (Domaingue of Hil. 42 et al - To Regulated Revenues)
48, psd 149, 161, S nonconc 466
- HB 173-FN-A**, relative to the renovation and dedication of the Hampton Beach state park lifeguard facility and making an appropriation therefor. (Tufts of Rock. 13 - To Public Works)
First new title: relative to the dedication of the Hampton State Beach lifeguard facility.
Second new title: relative to the dedication of the Hampton State Beach lifeguard facility and making an appropriation therefor.
48, am & Approp 276, am 732-733, psd 759, conc S am 1033, enr 1069 (Chapter 232)
- HB 174-FN**, relative to fireworks. (Welch of Rock. 10; Felch of Rock. 14 - To Public Protection and Veterans Affairs)
48, ext 255, K (RC) 574-577
- HB 175**, relative to bail commissioners' fees. (Vartanian of Rock. 20 - To Judiciary)
48, rem 203, rcmt 246, am 480-481, psd 521, conc S am 859, enr 1027 (Chapter 150)
- HB 176-FN**, requiring certificates of title for state-owned vehicles. (LaMott of Graf. 5 - To Transportation)
New title: requiring certificates of title for vehicles owned by the state and political subdivisions.
48, am 337-338, psd 392, S conc 692, enr 714 (Chapter 54)
- HB 177**, reducing the speed limit in business and urban residence districts. (Lown of Hil. 9 - To Transportation)
New title: authorizing local authorities to reduce the speed limit in business and urban residence districts.
48, am 490, psd 522, conc S am 1050, enr 1180 (Chapter 306)
- HB 178-FN**, relative to continuing the study committee reviewing the liquor laws. (Kelley of Hil. 13 - To Regulated Revenues)
48, psd 124, 130, S conc 909, enr 1026 (Chapter 151)
- HB 179-FN**, requiring additional reports to be filed with the insurance commissioner. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
48, K (RC) 555-558
- HB 180**, relative to speed limits in posted school zones. (Pearson of Bel. 5 - To Transportation)
48, K 636
- HB 181**, relative to crossing the unbroken painted line on highways. (Pearson of Bel. 5 - To Transportation)
48, K 194-195
- HB 182-FN**, reclassifying certain highways in the towns of Carroll and Belmont. (Pearson of Bel. 5 - To Public Works)
48, psd 147-148, 161, conc S am 693, enr 718 (Chapter 55)
- HB 183-FN**, authorizing the commissioner of transportation to charge administrative fees for disposal of land and property. (Pearson of Bel. 5 - To Executive Departments and Administration)
49, K 263
- HB 184**, relative to driving left of center of roadways. (Pearson of Bel. 5 - To Transportation)
49, am 490-491, psd 522, S conc 828, enr 857 (Chapter 85)
- HB 185**, clarifying the department of transportation's authority in maintaining and operating rail operations. (Pearson of Bel. 5 - To Transportation)
49, psd 192, 200, S conc 692, enr 687 (Chapter 36)
- HB 186-FN**, allowing free hunting and fishing licenses for residents suffering from certain handicaps. (Maviglio of Bel. 1 - To Fish and Game)
49, am 212-213, psd 247, S conc 466, enr 598 (Chapter 25)
- HB 187-FN**, relative to the rulemaking authority of the board of medicine. (McCain of Rock. 11; Hawkins of Bel. 5 - To Executive Departments and Administration)
49, psd 264, 310, conc S am 1032, enr 1069 (Chapter 233)
- HB 188-FN**, to repeal the right to hunt moose. (Chase of Rock. 28; Burton of Str. 4 - To Fish and Game)
49, K (RC) 195-198
- HB 189-FN**, increasing the minimum wage law. (Hall of Mer. 7; Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
49, rem 312, am 387-388, psd 392, S conc 763, enr 856 (Chapter 86)

- HB 190-FN-A**, relative to conflicts between municipal budget law and collective bargaining negotiations. (Johnson of Rock. 1 - To Municipal and County Government)
49, Com 189, 1196
- HB 191**, clarifying the definition of a seasonal establishment for purposes of overtime compensation. (Dickinson of Car. 2; Sen. Bond - To Labor, Industrial and Rehabilitative Services)
49, K 545
- HB 192-FN**, clarifying municipal budget authority committee power to acquire information from certain municipal officials. (Campbell of Rock. 20; Cooke of Rock. 20 - To Municipal and County Government)
49, K 146
- HB 193-FN-A**, relative to a study of the highways and bridges in the town of Hooksett and making an appropriation therefor. (Boucher of Mer. 9 et al - To Public Works)
49, K 276
- HB 194-FN**, relative to the award of interest in workers' compensation cases. (Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
49, Com 324, 1196
- HB 195-FN**, relative to eligibility for disability payments to injured workers. (Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
49, Com 324, 1196
- HB 196-FN**, relative to compensation for temporary partial disability under workers' compensation. (Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
49, Com 629, 1196
- HB 197-FN**, to reclassify portions of certain highways in the town of Seabrook. (Pearson of Bel. 5 - To Public Works)
49, am 190, psd 200, conc S am 693, enr 718 (Chapter 56)
- HB 198-FN-A**, establishing an accreditation technical assistance program for law enforcement agencies and making an appropriation therefor. (Flanders of Rock. 10 - To Public Protection and Veterans Affairs)
49, K 129
- HB 199-FN**, amending the 10-year highway plan. (Jones of Hil. 20 - To Public Works)
49, K 190
- HB 200-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1990, and June 30, 1991. (Kidder of Mer. 2 - To Appropriations)
393, am (RC) 777-781, psd 826, nonconc S am, conf 1035, 1048, rep adop (RC) 1150-1153, 1159, enr am 1169-1170, enr 1182 (Chapter 365)
- HB 201**, relative to protective custody of abused or neglected animals. (Gage of Rock. 13 - To Environment and Agriculture)
49, am 185-186, psd 200, S conc 692, enr 715 (Chapter 57)
- HB 202**, requesting inventories of water access properties under the control of various departments. (Boucher of Rock. 23 - To Resources, Recreation and Development)
50, K 418
- HB 203**, regarding copying costs of public documents. (Jasper of Hil. 19 - To Judiciary)
50, psd 146, 161, S nonconc 466
- HB 204-FN**, relative to the penalty for delivering certain articles to prisoners confined in county correctional facilities. (Gage of Rock. 13 - To Judiciary)
50, K 156
- HB 205**, relative to continuing care communities. (Parks of Str. 6 - To Commerce, Small Business and Consumer Affairs)
50, psd 143, 161, S conc 466, enr 524 (Chapter 26)
- HB 206**, prohibiting the use and operation of petroleum-powered boats on Bradley Lake in the town of Andover. (Bardsley of Mer. 1; Phelps of Mer. 1 - To Transportation)
New title: prohibiting boats with more than 30 horsepower from operating on Bradley Lake in Andover.
50, psd 518, 522, nonconc S am, conf 912, 1048, rep adop 1138, 1159, enr am 1167, enr 1182 (Chapter 328)
- HB 207**, prohibiting the use and operation of petroleum-powered boats on Waukeena Lake in the town of Danbury. (Phelps of Mer. 1 - to Transportation)
50, psd 636, 686, S conc 763, enr am 943, enr 1026 (Chapter 152)

- HB 208-FN-A**, increasing the amount of the contribution to municipalities from the general fund by \$20,000,000 for fiscal year 1990. (Jacobson of Mer. 2 - To Appropriations)
50, rules suspended & K 803
- HB 209-FN**, establishing a committee to study the accessibility of nursing home care. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)
50, am 264, psd 310, conc S am 859, enr 942, appointments 1200 (Chapter 153)
- HB 210-FN-A**, relative to improvements in fire protection for the state house, phase II and III. (Musler of Str. 3; Sen. Freese - To Legislative Administration)
New title: relative to improvements in fire protection for the state house, phase II and III and making an appropriation therefor.
50, am & Approp 194, psd 733, 759, S conc 909, enr am 1034, enr 1069 (Chapter 234)
- HB 211-FN**, relative to boat registration fees. (Maviglio of Bel. 1 - To Transportation)
50, K 192
- HB 212**, relative to the board of chiropractors. (McCain of Rock. 11 - To Executive Departments and Administration)
50, am 320, psd 392, S conc 692, enr 687 (Chapter 37)
- HB 213-FN**, relative to water tests for private wells. (Beaton of Mer. 3 et al - To State Institutions and Housing)
50, psd 286, 311, S study 1199
- HB 214**, relative to the transportation of alcohol in open containers. (Lown of Hil. 9 et al - To Regulated Revenues)
50, rem 141, K (RC) 156-160
- HB 215-FN-A**, relative to fish and game search and rescue. (LaMott of Graf. 5 - To Fish and Game)
50, Approp 156, am 733, psd 760, S nonconc 910
- HB 216-FN**, requiring emissions control inspections of motor vehicles. (Greene of Rock. 18 - To Transportation)
50, Com 586, 1196
- HB 217**, prohibiting consumption of alcoholic beverages on ski slopes and ski lifts. (Ritzo of Rock. 18 et al - To Regulated Revenues)
50, K 149
- HB 218**, permitting a person to be the candidate for only one party. (Lozeau of Hil. 25 et al - To Constitutional and Statutory Revision)
50, rcmt 192, psd 443, 464, S nonconc 910
- HB 219-FN**, relative to filing deeds and instruments with the register of deeds. (Gage of Rock. 13 et al - To Municipal and County Government)
50, am 217, psd 248, S conc 858, enr 942 (Chapter 154)
- HB 220-FN**, relative to managing tax supported state debt. (Kurk of Hil. 3 - To Public Works)
51, rem 258, LT 306, Com (RC) 1079-1081, 1196
- HB 221**, exempting medical facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime. (Foster of Car. 4; Chase of Car. 6 - To Judiciary)
New title: exempting health care facilities and personnel from liability when performing medical procedures at the request of a law enforcement officer investigating a crime.
51, am 265-266, psd 311, conc S am 911, enr 1070 (Chapter 193)
- HB 222**, prohibiting ski craft and limiting horsepower of motors on Indian Pond in the town of Orford. (Arnesen of Graf. 7; Sen. King - To Transportation)
First new title: limiting horsepower of motors on Indian Pond in the town of Orford.
Second new title: limiting the speed of power boats on Indian Pond in the town of Orford.
51, am 491, psd 522, nonconc S am, conf 912, 1048, rep adop 1138, 1159, enr am 1165, enr 1182 (Chapter 329)
- HB 223-FN**, relative to investment of state funds in corporations doing business in Northern Ireland. (Culbert of Hil. 20 et al - To State-Federal Relations)
51, psd (RC) 368-371, 392, S conc 692, enr 716 (Chapter 46)
- HB 224-FN-A**, relative to a study of the Storrs Street Extension in the city of Concord and making an appropriation therefor. (Hager of Mer. 21 - To Public Works)
51, K 148
- HB 225-FN-A**, relative to filing of planning board and board of adjustment decisions and making an appropriation therefor. (Hall of Mer. 7 - To Municipal and County Government)
55, K 189

- HB 226-A**, relative to state-issued bonds for college tuition. (Skinner of Rock. 21 et al - To Education)
55, am & Approp 207-208, psd 733-734, 760, conc S am 1031-1032, enr am 1165-1166, enr 1181, appointments 1200 (Chapter 394)
- HB 227-FN**, establishing a committee to study laws regarding surplus lines insurance companies. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
55, K 143
- HB 228**, permitting independent voters to vote in a primary and change their registration back to independent on the same day of the primary. (Lewis of Mer. 5 et al - To Constitutional and Statutory Revision)
55, psd (RC) 228-231, 248, S nonconc 828
- HB 229-FN**, creating a committee to study political party organization. (Green of Hil. 36 - To Constitutional and Statutory Revision)
55, K 206
- HB 230**, relative to electing Belknap county commissioners. (Maviglio of Bel. 1 et al - To Constitutional and Statutory Revision)
55, K 206
- HB 231**, including Somersworth as a municipality entitled to alternate state contribution for sewage disposal facilities. (Frechette of Str. 8; Sen. Dupont - To Public Works)
55, K 219-220
- HB 232**, relative to authorizing the prepayment of taxes. (McCain of Rock. 11 - To Municipal and County Government)
55, am 217-218, psd 248, conc S am 911, enr 1027 (Chapter 155)
- HB 233**, prohibiting the transportation of persons and domesticated pets in open bed trucks. (Hollingworth of Rock. 17; Sen. Magee - To Transportation)
55, rem 524, Com 594-595, 1196
- HB 234-FN-A**, relative to the loss carryover deduction under the business profits tax. (Ahrens of Hil. 13 - To Ways and Means)
55, K 694
- HB 235-FN-A**, relative to Whitefield and Berlin airports and making an appropriation therefor. (Woodburn of Coos 6 et al - To Public Works)
55, K 220
- HB 236**, relative to license plates for antique motor cars. (Stio of Mer. 5; Johnson of Mer. 5 - To Transportation)
55, K 491
- HB 237**, relative to eviction of tenants with AIDS. (Trombly of Mer. 4 - To State Institutions and Housing)
55, am (RC) 510-514, psd 522, S conc 868, enr 942 (Chapter 156)
- HB 238**, permitting competent adults to nominate their own guardians in case of future incapacity. (Trombly of Mer. 4 - To Judiciary)
55, ext 254, am 481, psd 521, conc S am 1033, enr 1069 (Chapter 235)
- HB 239**, relative to legalizing town meetings. (West of Mer. 21 - To Municipal and County Government)
55, psd 194, 200, S conc 909, enr am 1051, enr 1110 (Chapter 287)
- HB 240-FN-A**, establishing a shooting range in the state and making an appropriation therefor. (Pfaff of Mer. 9 - To Public Works)
New title: establishing a shooting range study committee.
55, am & Approp 220-221, am 734, psd 760, S conc 984, enr 1070, appointments 1200-1201 (Chapter 194)
- HB 241-FN**, relative to purchasing airports, establishing airport districts, authorizing airport property tax base sharing agreements, and clarifying certain statutes relative to aeronautics. (Pearson of Bel. 5 - To Public Works)
55, am 276-277, psd 311, S conc 763, enr 866 (Chapter 111)
- HB 242-FN-A**, relative to video poker machines. (Pantelakos of Rock 24 et al - To Regulated Revenues)
56, rem 258, K (RC) 306-309
- HB 243-FN**, enabling cities and towns to tax antenna towers. (McRae of Hil. 6 - To Ways and Means)
56, com changed 66, K 409

- HB 244-FN**, allowing museums to obtain title to property loaned for an indefinite time. (Tufts of Rock. 13; Sen. Krasker - To State Institutions and Housing)
56, psd 487, 521, S conc 763, enr 856 (Chapter 87)
- HB 245-FN**, creating a committee to study county government. (Green of Hil. 36 - To Municipal and County Government)
56, K 325
- HB 246-FN**, relative to allowing UMTA federal funds to be carried over from one state fiscal year to the next. (Pearson of Bel. 5 - To Public Works)
56, am 190, psd 200, S conc 466, enr 599 (Chapter 27)
- HB 247-FN**, relative to the transfer of funds for turnpikes from the general reserve account. (Pearson of Bel. 5 - To Public Works)
56, psd 191, 200, S conc 692, enr 718 (Chapter 58)
- HB 248-FN**, establishing a study committee on deinstitutionalization in New Hampshire. (Cole of Ches. 10 et al - To State Institutions and Housing)
56, am 434, psd 464, S nonconc 693
- HB 249-FN**, creating a wildlife conservation fund. (Drake of Rock. 18; Greene of Rock. 18 - To Fish and Game)
56, Com 297, 1196
- HB 250-FN**, relative to the classified personnel system. (Palumbo of Rock. 10 et al - To Executive Departments and Administration)
131, ext 399, rules suspended, am & Approp 599-601, psd 781-782, 826, S Com 1199
- HB 251-FN-A**, establishing a committee to study methods of promoting New Hampshire businesses and products overseas and making an appropriation therefor. (McCain of Rock. 11 et al - To Commerce, Small Business and Consumer Affairs)
56, am & Approp 468-469, psd 766, 825, conc S am 1049, enr 1180, appointments 1201 (Chapter 307)
- HB 252-FN**, relative to major capital projects. (Beaton of Mer. 3 - To Public Works)
56, K 148
- HB 253-FN**, relative to compensation for guardians of incapacitated persons or estates of incapacitated persons. (Schmidtchen of Rock. 23 - To Judiciary)
56, K 216
- HB 254-FN**, establishing a study committee to determine ownership of lakes and ponds in the White Mountain National Forest. (Boucher of Rock. 23 - To Resources, Recreation and Development)
New title: establishing a study committee to examine issues relative to the great ponds in the White Mountain National Forest, access to public waters, and control and maintenance of public boat ramp sites.
56, am 418, psd 464, S conc 763, enr am 833, enr 867, appointments 1201 (Chapter 109)
- HB 255-FN**, establishing a legislative study committee on Medicare reimbursements. (Ahrens of Hil. 13 - To Commerce, Small Business and Consumer Affairs)
56, K 206
- HB 256-FN-A**, relative to a study of the Civilian Conservation Corps buildings at Bear Brook state park and making an appropriation therefor. (Green of Hil. 36 - To Public Works)
56, K 415
- HB 257-FN**, imposing a mandatory fine for exceeding OHRV decibel levels. (Anderson of Mer. 7; Welch of Rock. 10 - To Transportation)
56, K 553
- HB 258-FN**, increasing the cap on the revolving drug forfeiture fund. (Sytek of Rock. 20 - To Judiciary)
56, psd 351, 392, S nonconc 1030
- HB 259-FN**, permitting selectmen to set fees. (Golden of Bel. 7 - To Municipal and County Government)
56, am 218-219, psd 248, S conc 692, enr 687 (Chapter 38)
- HB 260-FN**, creating a pro rata distribution related to catastrophic aid. (Guest of Graf. 12 et al - To Education)
First new title: relative to distribution of catastrophic aid.
Second new title: relative to salaries within the department of education.
56, am 340-341, psd 392, nonconc S am, conf 1054, 1071, 1101, rep adop 1138, 1159, enr am 1171, enr 1182 (Chapter 330)

- HB 261-FN**, relative to dog licenses. (Hardy of Bel. 4 - To Municipal and County Government)
56, am 241, psd 248, conc S am 911, enr 1027 (Chapter 157)
- HB 262-FN**, establishing a study committee on liability for expenses for children in need of services. (McCain of Rock. 11; Bean of Graf. 13 - To Children, Youth and Juvenile Justice)
New title: extending the reporting date for the committee to study the juvenile justice system and juvenile delinquency and establishing a joint oversight committee and related committees to study issues regarding children.
57, ext 203, am 525-527, psd 596, nonconc S am, conf 1028, 1053, rep adop 1138, 1159, enr 1183, appointments 1201-1202 (Chapter 395)
- HB 263-FN**, relative to a committee to study establishing a family court. (Jones of Hil. 20 - To Judiciary)
57, ext 254, K 481
- HB 264-FN**, prohibiting the prescription, possession, or use of anabolic steroids for athletic enhancement. (Jones of Hil. 20 - To Judiciary)
New title: prohibiting the distribution, sale, possession or use of anabolic steroids except for purposes of medical treatment.
57, ext 254, am 541-542, psd 596, S conc 910, enr 1069 (Chapter 195)
- HB 265-FN-A**, relative to telephone and telegraph company taxes. (Grip of Hil. 7 et al - To Ways and Means)
57, Com 495, 1196
- HB 266-FN**, requiring employers to offer health insurance benefits to part-time employees. (Arnesen of Graf. 7 et al - To Commerce, Small Business and Consumer Affairs)
57, Com 609-610, 1196
- HB 267-FN**, relative to vicious dogs. (Johnson of Mer. 5 - To Judiciary)
57, am 404, psd 463, conc S am 828, enr 942 (Chapter 158)
- HB 268-FN**, regulating residential telephone solicitation. (McKinney of Rock. 23 et al - To Commerce, Small Business and Consumer Affairs)
57, K 399
- HB 269-FN-A**, to abolish the interest and dividends tax. (Lown of Hil. 9; Ward of Graf. 1 - To Ways and Means)
57, K 462
- HB 270-FN-A**, relative to motorcycle safety, establishing a motorcycle rider safety fund, and making a continual appropriation therefor. (Palumbo of Rock. 10 et al - To Transportation)
57, am 491-492, psd 522, nonconc S am, conf 1046, 1054, rep adop 1139, 1159, enr am 1172, enr 1183 (Chapter 331)
- HB 271-FN**, relative to fish and game license fees. (LaMott of Graf. 5 - To Fish and Game)
57, am & Approp 453-454, rules suspended 463, psd 734, 760, S conc 909, enr 1026 (Chapter 159)
- HB 272-FN**, relative to Pike's school in Haverhill, New Hampshire. (LaMott of Graf. 5 - To Fish and Game)
57, psd 213, 247, conc S am 693, enr 718 (Chapter 59)
- HB 273-FN**, authorizing the transfer of sick and annual leave and longevity credit for certain state employees. (LaMott of Graf. 5 - To Executive Departments and Administration)
New title: authorizing the transfer of sick and annual leave and longevity credit for certain state employees, relative to certain salaries and relative to the department of administrative services.
57, am 472-473, psd 521, nonconc S am, conf 1055, 1071, rules suspended & rep adop 1139, 1159 enr am 1178, enr 1183, message from governor 1184-1185 (Chapter 396)
- HB 274-FN**, establishing minimum mandatory fines for persons who violate certain liquor laws concerning those persons under the age of 21 years; and requiring that persons who purchase kegs of beer sign a keg purchase form. (Spencer of Str. 4 et al - To Regulated Revenues)
57, K 278
- HB 275-FN**, relative to civil immunity from liability for volunteers and establishing a special insurance compensation fund and a process to compensate persons with claims against volunteers. (Jacobson of Mer. 2 - To Judiciary)
57, ext 254, K 568
- HB 276-FN**, relative to the penalty for assaulting a law enforcement officer. (Chase of Rock. 28 - To Judiciary)
57, K 216
- HB 277-FN**, to prohibit after market tinting on windshields and on certain windows of motor vehicles. (Flanders of Rock. 10 - To Transportation)
57, am 677, psd 686, S conc 858, enr 942 (Chapter 160)

- HB 278-FN-A**, relative to inclusion of certain costs in the public utility rate base under the anti-CWIP statute. (Hall of Mer. 7 - To Science, Technology and Energy)
57, K 433
- HB 279-FN-A**, relative to the purchase of the Ralph Brown property in Rye and making an appropriation therefor. (Greene of Rock. 18; Drake of Rock. 18 - To Public Works)
58, am & Approp 191, psd 734, 760, S conc 984, enr 1070 (Chapter 196)
- HB 280-FN**, relative to the liability of co-employees in workers' compensation. (Warburton of Rock. 6 - To Labor, Industrial and Rehabilitative Services)
58, rem 313, Com 388, 1196
- HB 281-FN**, relative to third party recoveries in workers' compensation. (Warburton of Rock. 6 - To Labor, Industrial and Rehabilitative Services)
58, Com 324, 1196
- HB 282-FN**, relative to liability for certain regional vocational education costs. (Campbell of Rock. 20 - To Education)
58, K 208
- HB 283-FN**, relative to permanent impairment awards under workers' compensation. (Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
58, Com 351, 1196
- HB 284-FN**, relative to co-employee liability under workers' compensation. (Toomey of Hil. 27 - To Labor, Industrial and Rehabilitative Services)
58, Com 324-325, 1196
- HB 285-FN**, relative to liens on real property for hazardous waste cleanup costs. (Krueger of Sul. 6; Sen. Torr - To Commerce, Small Business and Consumer Affairs)
58, psd 313, 392, S conc 692, enr 715 (Chapter 60)
- HB 286-FN**, relative to using Wallop-Breaux funds for launching site maintenance. (Boucher of Rock. 23 - To Fish and Game)
58, K 186
- HB 287-FN**, relative to the distribution of OHRV registration fees and the registration of motorcycles used for off highway recreational purposes. (Scanlan of Graf. 11 - To Executive Departments and Administration)
58, K 296-297
- HB 288-FN**, relative to penalties for aggravated DWI and for negligent homicide. (Gage of Rock. 13 - To Judiciary)
New title: relative to penalties for aggravated DWI, negligent homicide, and possession of controlled drugs.
58, am 301, psd 311, nonconc S am, conf 829, 868, rep adop 1139, 1159, enr 1182 (Chapter 415)
- HB 289**, relative to stumps, leaves, and yard waste. (Millard of Mer. 4 - To Environment and Agriculture)
58, am 611-612, psd 686, conc S am 1032, enr am 1058, enr 1110 (Chapter 288)
- HB 290-FN-A**, to modernize the automation activities of the department of revenue administration and making an appropriation therefor. (Palumbo of Rock. 10 - To Science, Technology and Energy)
New title: to recognize that the automation activities of the department of revenue administration should be modernized.
58, am & Approp 335, psd 766, 825, conc S am 1033, enr 1070 (Chapter 236)
- HB 291-FN-A**, relative to the real estate transfer tax. (Ahrens of Hil. 13 - To Ways and Means)
58, am 694-697, psd 714, S conc 910, enr 1070 (Chapter 197)
- HB 292-FN**, extending the study and evaluation of state Route 101A corridor in the Nashua region. (Ahrens of Hil. 13 et al - To Public Works)
58, am 277, psd 311, S conc 763, enr 867 (Chapter 110)
- HB 293-FN**, creating a committee to study experience modifications. (Fraser of Mer. 6; Sen. Freese - To Commerce, Small Business and Consumer Affairs)
58, K 183
- HB 294-FN**, relative to unlawful concealment of a child. (Flanders of Rock. 10 - To Children, Youth, and Juvenile Justice)
58, K 181
- HB 295-FN-A**, relative to an information booklet for caretakers of Alzheimer's disease victims and making an appropriation therefor. (Parks of Str. 6 et al - To Health, Human Services and Elderly Affairs)
58, K 746-747

- HB 296-FN-A**, relative to Alzheimer's respite care service and making an appropriation therefor. (Parks of Str. 6 et al - To Health, Human Services and Elderly Affairs)
58, Approp 193-194, K 782
- HB 297-FN**, relative to workers' compensation for part-time police officers. (Wells of Rock. 5; Flanders of Rock. 10 - To Labor, Industrial and Rehabilitative Services)
59, Com 325, 1196
- HB 298-FN**, relative to the statute of limitations for actions against governmental units. (Gage of Rock. 13 - To Judiciary)
59, am 266, psd 311, conc S am 828, enr 942 (Chapter 161)
- HB 299-FN-A**, allocating funds to the office of state planning to purchase computer equipment and making an appropriation therefor. (Stio of Mer. 5 et al - To Science, Technology and Energy)
59, K 191
- HB 300-FN-A**, relative to studying access to medical care for persons without health insurance and making an appropriation therefor. (Packard of Hil. 15 et al - To Commerce, Small Business and Consumer Affairs)
59, am & Approp 313-315, am 766, psd 825, conc S am 1049, enr am 1155, enr 1181, appointments 1202-1203 (Chapter 332)
- HB 301-FN-A**, relative to the funding of regional planning commissions and making an appropriation therefor. (Perry of Ches. 10 et al - To Municipal and County Government)
59, K 241
- HB 302-FN**, relative to hunting and fishing licenses for totally and permanently disabled veterans. (Brown of Rock. 14 et al - Fish and Game)
New title: relative to the setting of the deer season.
59, am 454-455, psd 464, S conc 763, enr 856 (Chapter 88)
- HB 303-A**, appropriating funds for construction of the Swanzev sewer interceptor. (Perry of Ches. 10 - To Public Works)
59, K 221
- HB 304**, relative to the horsepower of motors used and operated on Spectacle pond in the towns of Enfield and Grafton. (Townsend of Graf. 13 - To Transportation)
59, K 492
- HB 305-FN-A**, relative to a community oriented transportation planning study of certain highways and making an appropriation therefor. (Whitemore of Mer. 10 et al - To Public Works)
First new title: adding a Franklin-Laconia bypass study to the 10-year highway plan.
Second new title: amending the 10-year highway plan.
59, am & Approp 277-278, rem 724, am 750, psd 760, S conc 910, enr am 1051, enr 1110 (Chapter 289)
- HB 306-FN**, increasing the penalties for owners of dogs which are a nuisance, a menace, or vicious. (Hardy of Bel. 4 - To Public Protection and Veterans Affairs)
59, K 189
- HB 307-FN**, relative to cat breeders and dog breeders. (Hardy of Bel. 4 - To Environment and Agriculture)
59, K 186
- HB 308-FN-A**, establishing a data collection unit within the postsecondary education commission and making an appropriation therefor. (Dyer of Hil. 7 - To Education)
59, K 208
- HB 309-FN**, prohibiting the stocking of bodies of water which are inaccessible to the public. (Boucher of Rock. 23 - To Fish and Game)
59, K 193
- HB 310**, exempting veterinarians from jury duty. (Burton of Str. 4 - To Judiciary)
59, K 194
- HB 311**, relative to the fish and game commission (Burton of Str. 4 - To Fish and Game)
59, K 240
- HB 312-FN**, requiring warning labels on war toys. (Burton of Str. 4 - - To Public Protection and Veterans Affairs)
59, rem 203, K 246-247
- HB 313**, relative to the Carroll county attorney. (Dickinson of Car. 2; MacDonald of Car. 6 - To Municipal and County Government)
59, psd 409, 463, conc S am 911, enr 1027 (Chapter 162)

- HB 314**, relative to styrofoam in the construction of houses. (Beaupre of Hil. 42 - To State Institutions and Housing)
New title: relative to expanded polystyrene in the construction of houses.
 59, am 286, psd 311, S nonconc 693
- HB 315-FN**, including Monroe in the list of towns eligible for state funding for a sewage disposal system. (Weymouth of Graf. 2 - To Public Works)
 60, K 221
- HB 316**, relative to notice to abutters. (Dickinson of Car. 2 - To Public Works)
 60, psd 148, 161, S conc 466, enr 524 (Chapter 28)
- HB 317**, establishing a volunteer marine patrol program. (Dickinson of Car. 2 - To Transportation)
 60, K 492
- HB 318**, prohibiting the use or operation of ski craft on Conway Lake in the towns of Conway and Eaton. (Dickinson of Car. 2 - to Transportation)
 60, Com 636, 1196
- HB 319-FN**, relative to video taping depositions of the elderly. (Moore of Hil. 5; Sallada of Hil. 4 - To Judiciary)
 60, ext 391, K 542
- HB 320-FN-A**, relative to the penalty for overdue payments under the interest and dividends tax. (Schmidtchen of Rock. 23 - To Ways and Means)
 60, am 495, psd 522, S conc 692, enr 717 (Chapter 61)
- HB 321-FN**, increasing bail commissioners' fees. (Felch of Rock. 14 - To Judiciary)
 60, K 216
- HB 322-FN**, requiring licensing of home inspectors by the New Hampshire real estate commission. (Drabinowicz of Hil. 32; Toomey of Hil. 27 - To State Institutions and Housing)
 60, K 286
- HB 323**, relative to payment of costs of bank examinations. (Krueger of Sul. 6; Sen. Disnard - To Commerce, Small Business and Consumer Affairs)
New title: relative to bank examinations and mutual holding company conversions.
 60, psd 532-533, 596, conc S am 911, enr 1027 (Chapter 163)
- HB 324**, relative to posted school zones. (Foster of Ches. 17 - To Transportation)
 60, am 636-637, psd 686, conc S am 860, enr 1027 (Chapter 164)
- HB 325**, relative to disciplinary actions against veterinarians. (Foss of Str. 10; Sen. McLane - To Executive Departments and Administration)
 60, psd 473, 521, S conc 692, enr 717 (Chapter 62)
- HB 326-FN-A**, to return real estate transfer tax revenue to counties. (Randall of Bel. 3 - To Ways and Means)
 60, K 225-226
- HB 327-FN-A**, relative to the rate of the real estate transfer tax. (Ahrens of Hil. 13 - To Ways and Means)
 60, am (RC) 699-702, psd 714, nonconc S am, conf 1035, 1054, 1072, rep adop 1139, 1159, enr 1182 (Chapter 416)
- HB 328**, relative to counting write-in votes. (Roulston of Rock. 20; Jasper of Hillsborough Dist. 19 - To Constitutional and Statutory Revision)
 60, K 259
- HB 329-A**, authorizing a lease-purchase agreement for the construction of a district court in the city of Franklin and making an appropriation therefor. (Whittemore of Mer. 10 et al - To Public Works)
 60, K 221-222
- HB 330-FN-A**, relative to exemption from the gasoline tax and state license plates. (O'Rourke of Hil. 35 et al - To Ways and Means)
 60, am 639-640, psd 686, S conc 985, enr 1069, veto overridden (RC) 1143-1146, S sustained veto 1157
- HB 331-FN-A**, to compensate Mary Elaine Crowley for an unjustified termination and making an appropriation therefor. (Rosencrantz of Rock. 15 et al - To Regulated Revenues)
 60, K (RC) 357-360
- HB 332-FN-A**, relative to motor vehicle wastes, establishing a recycling and reclamation fund, and making an appropriation therefor. (Millard of Mer. 4 - To Environment and Agriculture)

New title: relative to the collection and reclamation of motor vehicle wastes.
60 am 343-345, psd 392, conc S am 1032, enr 1082 (Chapter 263)

- HB 333**, relative to collective bargaining by public employees. (Robinson of Hil. 12 et al - To Labor, Industrial and Rehabilitative Services)
60, K 325
- HB 334-FN-A**, relative to the adult program special needs allowance and making an appropriation therefor. (Manus of Mer. 17 et al - To Health, Human Services and Elderly Affairs)
61, Approp 345, K 735
- HB 335**, relative to auctioneers. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
61, K 315
- HB 336**, relative to senior citizen bingo games. (Jasper of Hil. 19 - To Regulated Revenues)
61, am 278, psd 311, S conc 523, enr 664 (Chapter 29)
- HB 337**, relative to planning boards. (Jasper of Hil. 19 - To Municipal and County Government)
61, K 267
- HB 338**, relative to the authority of county conventions to hire administrative assistants. (Pappas of Hil. 37 - To Municipal and County Government)
New title: relative to the authority of the Hillsborough county convention to employ a delegation coordinator.
61, am 267, psd 311, S conc 692, enr 717 (Chapter 63)
- HB 339-FN**, relative to the interest rate awarded following an abatement of property taxes. (Ouellette of Hil. 48 - To Municipal and County Government)
61, rem 258, K 306
- HB 340-FN-A**, to increase the dollar exemptions under the interest and dividends tax. (Cowenhoven of Hil. 9; Copenhaver of Graf. 12 - To Ways and Means)
61, K 697
- HB 341-FN**, relative to cosmetologists and pedicurists. (Domaingue of Hil. 42 - To Executive Departments and Administration)
61, psd 297, 311, S nonconc 868
- HB 342-FN-A**, relative to a new exemption under the inheritance tax. (Trombly of Mer. 4 - To Ways and Means)
61, K 496
- HB 343**, prohibiting bank service charges on certain accounts of minors. (Trombly of Mer. 4 - To Commerce, Small Business and Consumer Affairs)
61, K 259
- HB 344-FN-A**, relative to Lake Massasecum and the Warner River in the town of Bradford and making an appropriation therefor. (Beaton of Mer. 3 - To Resources, Recreation and Development)
61, K 419
- HB 345-FN**, relative to interference with hunters, trappers and fishermen. (Pepino of Hil. 37 - To Fish and Game)
61, am 297-298, psd 311, conc S am 1073, enr 1180 (Chapter 308)
- HB 346-FN**, establishing a committee to study the services provided by certain facilities. (Bennett of Graf. 8 et al - To Health, Human Services and Elderly Affairs)
61, K 240-241
- HB 347-FN**, relative to renaming wards in Concord. (Teague of Mer. 18 - To Constitutional and Statutory Revision)
61, K 183
- HB 348-FN**, establishing a committee to study damages from construction. (Packard of Hil. 15; Ford of Hil. 24 - To Judiciary)
61, Com 216, 1196
- HB 349-FN-A**, establishing a study committee to examine campus use at Laconia developmental services and making an appropriation therefor. (Bolduc of Bel. 10; Pearson of Bel. 5 - To State Institutions and Housing)
61, K 487
- HB 350-FN**, relative to the unclassified personnel system. (Palumbo of Rock. 10 et al - To Executive Departments and Administration)

New title: relative to the unclassified personnel system and making an appropriation for a consultant fee.

131, ext 399, rules suspended 599, am & Approp 601-609, rem 764, am 813-820, psd 826, S Com 1199

- HB 351**, relative to special permits for the use of crossbows by physically handicapped persons. (Matson of Ches. 7; Crutchley of Ches. 8 - To Fish and Game)
61, am 213, psd 247, S nonconc 523
- HB 352-FN-A**, relative to improvements at the Keene Dillant-Hopkins Airport in Swanzey and making an appropriation therefor. (Hill of Ches. 14; Sen. Blaisdell - To Public Works)
61, K 222
- HB 353**, prohibiting the use and operation of ski craft on Canaan Street Lake in the town of Canaan. (Christy of Graf. 11 - To Transportation)
61, psd 518, 522, S conc 1047, enr am 1155, enr 1181 (Chapter 333)
- HB 354-FN-A**, making an appropriation to fund improvements in Cardigan State Park. (Scanlon of Graf. 11 et al - To Resources, Recreation and Development)
62, Approp 150, psd 735, 760, S conc 910, enr 1070 (Chapter 198)
- HB 355**, relative to the African Development Bank. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
62, am & LT 441, Com 865-866, 1196
- HB 356-FN**, requiring permits from municipal or state police for purchase of pistols and revolvers. (Mace of Rock. 21 - To Public Protection and Veterans Affairs)
62, K 189-190
- HB 357**, relative to utility lineworkers. (O'Rourke of Hil. 35 et al - To Labor, Industrial and Rehabilitative Services)
62, K 325
- HB 358**, relative to the distance from a dwelling at which a person may discharge a firearm. (Eaton of Hil. 17 - To Fish and Game)
62, K 240
- HB 359**, relative to statements of minors in civil cases. (Trombly of Mer. 4 - To Children, Youth and Juvenile Justice)
62, psd 181, 200, S conc 523, enr 664 (Chapter 30)
- HB 360-FN**, relative to licensing of solid waste transporters. (Tarpley of Hil. 9; Millard of Mer. 4 - To Environment and Agriculture)
62, K 319
- HB 361-FN**, creating a committee to study the establishment of property districts for the purposes of alternative tax evaluations for island residents. (Guest of Graf. 12 - To Municipal and County Government)
62, K 409
- HB 362-FN**, requiring truth in menus. (Barry of Hil. 43 - To Commerce, Small Business and Consumer Affairs)
62, K 183
- HB 363-FN**, prohibiting the use of steel leg traps in the state. (Barry of Hil. 43 et al - To Fish and Game)
62, Com 240, 1196
- HB 364-FN**, adding Somersworth to the list of towns eligible for water treatment projects. (Frehette of Str. 8 - To Public Works)
62, K 222
- HB 365**, relative to automobile transporter combinations. (Flanders of Rock. 10; Fields of Hil. 13 - To Transportation)
New title: relative to automobile transporters.
62, am 637, psd 686, S conc 858, enr 907 (Chapter 115)
- HB 366-FN**, prohibiting carnivals, fairs, and amusement parks from offering firearms and certain knives as game prizes. (Lachance of Str. 3 et al - To Public Protection and Veterans Affairs)
62, K 147
- HB 367**, relative to damages for wrongful death. (Hollingworth of Rock. 17 - To Judiciary)
62, am 216-217, psd 248, S noneconc 763
- HB 368-FN-A**, relative to the commission on the status of women and the board of registration in medicine and making an appropriation therefor. (Hawkins of Bel. 5 - To Executive Departments and Administration)
62, K 212

- HB 369**, relative to assumption of a town office after a recount. (Fields of Hil. 13 et al - To Constitutional and Statutory Revision)
New title: relative to assumption of a town office after a recount.
 62, psd 183, 200, conc S am 828, enr 907 (Chapter 116)
- HB 370-FN**, relative to collision coverage deductibles. (Johnson of Mer. 5; Hollingworth of Rock. 17 - To Commerce, Small Business and Consumer Affairs)
 62, am 610, psd 686, S conc 858, enr 907 (Chapter 117)
- HB 371-FN-A**, relative to licensing respiratory care practitioners and making an appropriation therefor. (Asplund of Mer. 10 - to Health, Human Services and Elderly Affairs)
 62, am & Exec. Depts 345-346, am & Approp 621, psd 735, 760, nonconc S am, conf 1045, 1053, rep adop 1139, 1159, enr am 1171-1172, enr 1183 (Chapter 334)
- HB 372-FN**, relative to forwarding election returns by the state police. (Flanagan of Rock. 8 - To Constitutional and Statutory Revision)
 63, Com 183, 1196
- HB 373-FN**, relative to the use of automatic telephone dialing systems. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
 63, am 399-400, psd 463, conc S am 859, enr 942 (Chapter 165)
- HB 374-FN-A**, relative to the Head Start program and making an appropriation therefor. (Densmore of Graf. 3 et al - To Education)
 63, Approp 341, psd 766, 825, nonconc S am, conf 1055, S nonconc conf req 1072
- HB 375-FN**, relative to long-term care insurance for the elderly. (Fraser of Mer. 6 et al - To Commerce, Small Business and Consumer Affairs)
 63, am 500-502, psd 522, S conc 859, enr am 943, enr 1027 (Chapter 166)
- HB 376-FN**, licensing physician assistants. (McCain of Rock. 11 - To Health, Human Services and Elderly Affairs)
 63, am & Exec. Depts 300, Approp 621, psd 735, 760, conc S am 1032, enr am 1058-1059, enr 1110 (Chapter 290)
- HB 377**, relative to a statement of policy on pregnancy and repealing criminal penalties for persons performing abortions. (Green of Hil. 36 et al - To Judiciary)
 63, ext 391, psd (RC) 455-458, 464, S conc 828, enr 826, veto sustained (RC) 829-832
- HB 378**, relative to listing candidates on general election ballots. (Jacobson of Mer. 2 - To Constitutional and Statutory Revision)
 63, K (RC) 502-505
- HB 379-FN-A**, relative to stipends for social science and humanities teachers to participate in summer training programs and making an appropriation therefor. (Sanderson of Rock. 25; Pappas of Hil. 37 - To Education)
 63, K 208
- HB 380-FN-A**, establishing a revolving loan fund for sewage treatment projects and making an appropriation therefor. (McCann of Str. 7; Matson of Ches. 7 - To Public Works)
 63, K 222
- HB 381-FN**, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs. (Campbell of Rock. 20 - To Executive Departments and Administration)
 63, Com 564, 1196
- HB 382-FN-A**, to tax the removal of sand, gravel and loam in municipalities and unincorporated places and making an appropriation therefor. (Sherburne of Rock. 2 et al - To Environment and Agriculture)
New title: to tax the removal of natural resources in municipalities and unorganized places and making an appropriation therefor.
 63, am & Ways and Means 232-235, Com 707, 1196
- HB 383-FN**, relative to special license plates and widows of former prisoners of war. (Green of Hil. 36 - To Transportation)
 63, K 492
- HB 384-FN**, establishing a task force to review the recommendations of the Manchester airport and highway study. (O'Rourke of Hil. 35 et al - To Public Works)
 63, psd 415, 463, nonconc S am, conf 829, 869, rep adop 1139, 1159, enr 1182, appointments 1203 (Chapter 335)
- HB 385-FN-A**, to exempt meals prepared in the state house cafeteria from the meals and rooms tax. (Gross of Mer. 16 - To Ways and Means)

First new title: making appropriations for vacation travel promotion and increasing the rate of the tobacco tax

Second new title: to tax all forms of tobacco products.

63, SO 702-703, am (RC) 719-724, psd 759, nonconc S am, conf 1035, 1054, rep adop 1139, 1159, enr 1182 (Chapter 336)

HB 386-FN-A, relative to improving the financial status of impoverished children and making an appropriation therefor. (Copenhaver of Graf. 12 - To Children, Youth and Juvenile Justice)

New title: relative to improving the financial status of impoverished children.

63, am & Approp 338-339, am 767, psd 825, S nonconc 1030

HB 387-FN, relative to tax exemptions for veterans and veterans' surviving spouses. (Frechette of Str. 8 et al - To Municipal and County Government)

63, K 410

HB 388-FN, establishing a study committee to examine the current state laws on bail and recognizances. (Pepino of Hil. 37 - To Judiciary)

64, ext 391, K 482

HB 389-FN, enabling cities and towns to increase the veterans' exemption and the property tax exemption on residential property for a service-connected total disability. (Matson of Ches. 7 et al - To Municipal and County Government)

64, psd 301-302, 311, S conc 692, enr 717 (Chapter 64)

HB 390-FN-A, funding a study of the laws relating to New Hampshire retirement system investment and audit practices. (Campbell of Bel. 5; Sen. Freese - To Executive Departments and Administration)

64, Com 320, 1196

HB 391-FN-A, relative to apportioning gross business profits under the business profits tax. (Grip of Hil. 7 - To Ways and Means)

64, K 697-698

HB 392-FN, creating a baccalaureate education system trust. (Palumbo of Rock. 10 et al - To Education)

64, K 231-232

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts. (Copenhaver of Graf. 12 - To Commerce, Small Business and Consumer Affairs)

91, Com 469, 1196

HB 394-FN-A, establishing a state emergency response commission and making appropriations therefor. (Randall of Bel. 2 et al - To Science, Technology and Energy)

First new title: establishing a state energy response commission.

Second new title: establishing a state energy response funding committee and relative to hazardous materials incident response.

92, am & Approp 335-337, psd 782, 826, conc S am 1074, enr 1180, appointments 1203 (Chapter 309)

HB 395-FN-A, to tax alcohol and tobacco for municipal capital improvement programs. (Chase of Rock. 28 - To Regulated Revenues)

92, K 279

HB 396-FN, relative to the board of examiners of nursing home administrators and to licensing nursing home administrators. (Parks of Str. 6 - To Health, Human Services and Elderly Affairs)

92, Exec. Depts 265, Approp 621-622, psd 735, 760, S conc 1031, enr am 1155, enr 1182 (Chapter 337)

HB 397-FN, relative to composition of the dental board. (Vaughn of Rock. 27 et al - To Executive Departments and Administration)

92, rem 399, Approp 462-463, rules suspended 463, psd 747, 760, conc S am 1032, enr 1069 (Chapter 237)

HB 398-FN-A, relative to the return of revenue to cities and towns. (Hager of Mer. 21; Ward of Graf. 1 - To Ways and Means)

New title: relative to the return of revenue to cities and towns and making appropriations therefor.

92, Approp (RC) 707-712, rules suspended 714, 803, am 803-804, psd 826, S nonconc 910

HB 399-FN-A, relative to an emergency loan fund for school district facilities and making an appropriation therefor. (Robinson of Hil. 12 et al - To Education)

92, Com 316, 1197

HB 400-FN-A, relative to distributing sweepstakes funds and making an appropriation therefor. (King of Hil. 42 - To Education)

92, K 209, recon & K 247

- HB 401-FN**, imposing a filing fee for registration of securities by coordination. (Pantzer of Mer. 11; Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)
92, am 533, psd 596, conc S am 911, enr 1027 (Chapter 167)
- HB 402-FN**, relative to the state archivist. (Warburton of Rock. 6 - To Executive Departments and Administration)
92, psd 473, 521, S conc 692, enr 718 (Chapter 65)
- HB 403-FN-A**, relative to closed circuit televised boxing and wrestling matches. (King of Hil. 42; Sen. Stephen - To Regulated Revenues)
92, K 279
- HB 404-FN-A**, making an appropriation to fund additional positions within the office of child support enforcement. (Sanderson of Rock. 25 et al - To Children, Youth and Juvenile Justice)
92, Approp 339, K 735
- HB 405-FN-A**, relative to the driver training fund. (Hawkins of Bel. 5 - To Transportation)
92, am & Approp 553-554, SO 747, Com 764, 1197
- HB 406-FN-A**, establishing a municipal new school building fund and making an appropriation therefor. (Rose of Graf. 11 - To Education)
92, K 316
- HB 407-FN-A**, relative to rent paid by the state for courtroom space and making an appropriation therefor. (Sytek of Rock. 20 et al - To Appropriations)
92, K 767
- HB 408-FN-A**, relative to a study of the highways in Sullivan and Cheshire counties between I-89 and I-91 and making an appropriation therefor. (Krueger of Sul. 6 et al - To Public Works)
New title: relative to a study of the highways in Sullivan and Cheshire counties.
92, am 222-223, psd 248, S conc 692, enr 715 (Chapter 66)
- HB 409-FN**, relative to licensing professional foresters. (Scanlan of Graf. 11 et al - To Resources, Recreation and Development)
92, Com 419, 1197
- HB 410-FN-A**, relative to the nursing scholarship program and making an appropriation therefor. (Copenhaver of Graf. 12 et al - To Education)
First new title: relative to nursing scholarships and making an appropriation therefor.
Second new title: relative to nursing scholarships.
92, am & Approp 316-319, psd 767, 825, conc S am 1049, enr 1180 (Chapter 310)
- HB 411-FN-A**, requiring the public utilities commission to study regional electric utility alternatives and making an appropriation therefor. (Hall of Mer. 7 - To Science, Technology and Energy)
93, K 433
- HB 412-FN-A**, relative to deductions for owner-employees under the business profits tax. (Kurk of Hil. 3 - To Ways and Means)
New title: relative to a maximum deduction for compensation for business organizations under the business profits tax.
93, am & LT 748-749, S Ct opin printed, Com 1076-1079, 1197
- HB 413-FN-A**, establishing the solid waste reduction planning assistance program and making an appropriation therefor. (Millard of Mer. 4 - To Environment and Agriculture)
93, LT 236, IP 1192
- HB 414-FN-A**, to redefine gross business profits for partnerships, trusts and estates under the business profits tax. (Cowenhoven of Hil. 9 - To Ways and Means)
New title: relative to the sale or exchange of beneficial interests in business organizations for business profits tax purposes.
93, am 712-713, psd 714, S conc 910, enr 1027 (Chapter 168)
- HB 415-FN-A**, to establish a political campaign financing fund. (Jacobson of Mer. 2 - To Constitutional and Statutory Revision)
93, K 292
- HB 416-FN-A**, establishing a study committee to examine laws relative to children in abuse or neglect cases and making an appropriation therefor. (Trombly of Mer. 4 - To Children, Youth and Juvenile Justice)
93, Com 205, 1197
- HB 417-FN-A**, relative to medicaid reimbursement for appropriate services to handicapped students and making an appropriation therefor. (Hager of Mer. 21 et al - To Health, Human Services and Elderly Affairs)
93, K 321

- HB 418-FN-A**, relative to drug, alcohol and AIDS counselors at Hampton Beach and Weirs Beach and making an appropriation therefor. (Weddle of Rock. 24 - To Children, Youth and Juvenile Justice)
93, rem 203, K 245-246
- HB 419-FN-A**, to impose a capital gains tax on speculative land sales. (LaMar of Ches. 16 et al - To Ways and Means)
93, Com 226, 1197
- HB 420-FN-A**, establishing a pilot guidance assistance program for grades 1-6 and making an appropriation therefor. (Domainque of Hil. 42; Sen. Bond - To Education)
93, am & Approp 292-293, K 782
- HB 421-FN**, relative to licensing gas installers. (Asplund of Mer. 10 - To Executive Departments and Administration)
93, Com 403, 1197
- HB 422-FN-A**, relative to tax exempt property. (Blacketor of Ches. 12 et al - To Ways and Means)
New title: relative to increasing the rate of the business profits tax, and relative to establishing a committee to study the business profits tax.
93, am (RC) 703-707, psd 714, S nonconc 1031
- HB 423-FN-A**, relative to closure of landfills and making an appropriation therefor. (Millard of Mer. 4 et al - To Environment and Agriculture)
93, Approp 452, K 735
- HB 424-FN-A**, relative to enhanced family care facilities and making an appropriation therefor. (Green of Hil. 36 et al - To Health, Human Services and Elderly Affairs)
93, Com 241, 1197
- HB 425-FN-A**, revising the school building aid system. (Robinson of Hil. 12 et al - To Education)
93, rem 312, Com 386-387, 1197
- HB 426-FN-A**, establishing the New Hampshire poison information center and making an appropriation therefor. (Copenhaver of Graf. 12; Sochalski of Rock. 23 - To Health, Human Services and Elderly Affairs)
93, am & Approp 346, Com 767, 1197
- HB 427-FN-A**, relative to public access to public waters and making an appropriation therefor. (Smith of Mer. 20 et al - To Resources, Recreation and Development)
94, K 419
- HB 428**, regarding the licensing of morticians. (McCann of Hil. 31 et al - To Executive Departments and Administration)
New title: regarding the licensing of funeral directors.
94, ext 399, am 622-623, psd 686, S conc 1048, enr 1082 (Chapter 264)
- HB 429-FN-A**, relative to Medicaid expansion for low-income pregnant women, infants and children; establishing a task force on low provider participation in Medicaid; and making an appropriation therefor. (Pappas of Hil. 37 et al - To Health, Human Services and Elderly Affairs)
First new title: relative to Medicaid expansion for low-income pregnant women and establishing a task force on low provider participation in Medicaid.
Second new title: establishing a task force on low provider participation in Medicaid.
94, am & Approp 346-350, am 767-769, psd 825, conc S am 1050, enr 1110, appointments 1203-1204 (Chapter 291)
- HB 430-FN**, relative to licensing and certifying real estate appraisers. (Emerton of Hil. 6 - To Executive Departments and Administration)
94, Com 403, 1197
- HB 431-FN-A**, relative to the regulation of excavation and mining and making an appropriation therefor. (Sherburne of Rock. 2 et al - To Environment and Agriculture)
94, ext 255, K 612
- HB 432-FN-A**, relative to funding for counties and county taxes. (Shaw of Mer. 7 - To Municipal and County Government)
94, K 410
- HB 433-FN-A**, relative to a pool for environmental liability insurance and making an appropriation therefor. (Wright of Rock. 23 et al - To Commerce, Small Business and Consumer Affairs)
94, am & Approp 469-470, am 782-783, psd 826, conc S am 1049, enr 1180, appointments 1210-1211 (Chapter 311)

- HB 434-FN-A**, relative to franchising and regulation of cable television systems and making an appropriation therefor. (Pantzer of Mer. 11 et al - To Commerce, Small Business and Consumer Affairs)
94, am & Approp 533-536, am 769-770, psd 825, nonconc S am, conf 1044, 1072, rep adop 1139, 1159, enr 1183 (Chapter 338)
- HB 435-FN-A**, making an appropriation for health services for young children. (Foster of Ches. 17 et al - To Children, Youth and Juvenile Justice)
94, Com 441, 1197
- HB 436-FN-A**, relative to sewage treatment funds and making an appropriation therefor. (McCann of Str. 7; Matson of Ches. 7 - To Resources, Recreation and Development)
94, rem 258, Approp 310, am 747-748, psd 760, S study 1199
- HB 437-FN**, licensing alarm installers. (McCain of Rock. 11 et al - To Executive Departments and Administration)
94, Com 403, 1197
- HB 438-FN-A**, adding 2 exemptions to the interest and dividends tax. (Murphy of Hil. 40 - To Ways and Means)
94, K 338
- HB 439-FN-A**, establishing a premium upon the sale of alcoholic beverages for use in the prevention and treatment of alcohol and drug abuse and the rehabilitation of alcohol and drug abusers. (Bourque of Hil. 35 et al - To Regulated Revenues)
First new title: generating additional revenues for use in the prevention and treatment of alcohol and drug abuse.
Second new title: making an appropriation to the office of alcohol and drug abuse prevention and establishing a committee to review the expenditure of funds by such office.
94, Ways and Means (2 RC's) 361-368, am & Approp 713, rules suspended 714, am (RC) 754-758, psd 761, S nonconc 910
- HB 440-A**, relative to constructing a parking garage in Concord for the legislature and state government personnel and making an appropriation therefor. (Pearson of Bel. 5 et al - To Public Works)
94, Com 278, 1197
- HB 441-FN-A**, relative to bingo games conducted by charitable organizations. (Rosencrantz of Rock. 15 - To Regulated Revenues)
94, am 326, psd 392, S nonconc 693
- HB 442-FN-A**, establishing a lakes management and protection program and making an appropriation therefor. (Maviglio of Bel. 1 et al - To Resources, Recreation and Development)
95, am & Approp 331-335, rem 724, Com 750, 1197
- HB 443**, exempting certain insurance claims adjusters from licensing examinations. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
95, rem 466, Com 519, 1197
- HB 444-FN**, licensing ophthalmic dispensing. (Stio of Mer. 5 et al - To Health, Human Services and Elderly Affairs)
95, K 541
- HB 445**, recodifying certain water laws. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)
95, am 419-431, psd 464, conc S am 912, enr 1182 (Chapter 339)
- HB 446-FN**, to dissolve the Barnstead-Pittsfield cooperative school district. (Golden of Bel. 7 - To Education)
95, K 319
- HB 447-FN**, relative to state contribution to driver education. (Flanders of Rock. 10 - To Education)
95, K 293
- HB 448-FN**, relative to identifying specifically each funding component of foundation aid. (Domaingue of Hil. 42 - To Education)
95, K 319
- HB 449-FN**, relative to civil suits against municipal officials. (Lown of Hil. 9; Sallada of Hil. 4 - To Judiciary)
95, ext 254, am (RC) 654-658, psd 686, S conc 910, enr 1027 (Chapter 169)
- HB 450** not introduced
- HB 451-FN**, relative to return of a portion of sweepstakes money to municipalities of origin and distribution under the foundation aid formula. (Domaingue of Hil. 42 - To Regulated Revenues)
95, K 416

- HB 452-FN.** relative to the vote for school building aid bonding. (Skinner of Rock. 21 - To Education)
95, SO 341, K (RC) 447-450
- HB 453-FN.** relative to persons receiving kidney dialysis treatment. (Shaw of Mer. 7 et al - To Health, Human Services and Elderly Affairs)
95, K 322
- HB 454-FN.** relative to the interest due on property tax bills. (West of Mer. 21 - To Municipal and County Government)
95, psd 267, 311, S conc 523, enr 687 (Chapter 39)
- HB 455-FN.** relative to appeals in child abuse or neglect cases. (Wallner of Mer. 21; Trombly of Mer. 4 - To Children, Youth and Juvenile Justice)
95, psd 205, 247, S conc 523, enr 687 (Chapter 40)
- HB 456-FN.** changing the due date for county taxes. (Stewart of Graf. 4 - To Municipal and County Government)
95, am 268, psd 311, S conc 692, enr 718 (Chapter 67)
- HB 457.** relative to municipal regulation of forestry. (Townsend of Graf. 13; Schotanus of Sut. 1 - To Resources, Recreation and Development)
95, psd 461, 464, conc S am 859, enr 942 (Chapter 170)
- HB 458.** granting degree-granting authority to the Thomas More Institute of Liberal Arts. (Frank of Hil. 13; Sen. Roberge - To Education)
95, psd 319, 392, conc S am 859, enr 907 (Chapter 118)
- HB 459.** authorizing the Lamprey solid waste cooperative to borrow funds and issue municipal bonds for the purpose of construction of a landfill. (Martling of Str. 4 et al - To Public Works)
95, rules suspended, am 132-133, psd 160, conc S am 176, enr 249 (Chapter 2)
- HB 460-FN.** relative to notice that tax payments may be due under the interest and dividends tax. (McKinney of Rock. 23; Kinney of Str. 6 - To Ways and Means)
95, am 338, psd 392, S conc 692, enr 718 (Chapter 68)
- HB 461.** relative to conflict of interest laws concerning town officials. (Malcolm of Rock. 17 - To Municipal and County Government)
95, K 410
- HB 462.** eliminating the voter eligibility requirement for notary publics. (Lown of Hil. 9 - To Constitutional and Statutory Revision)
New title: relative to the qualifications for a notary public.
95, Com 401, recon rej 824, recon & am 865, psd 866 (K)
- HB 463.** excluding credit life and health companies from the 30-day premium return requirement. (Fraser of Mer. 6 - To Commerce, Small Business and Consumer Affairs)
96, psd 536, 596, S nonconc 910
- HB 464.** relative to allowing the Sons of the American Legion to assist the American Legion posts with bingo games. (Perham of Hil. 10; Felch of Rock. 14 - To Regulated Revenues)
New title: relative to sons and daughters of members of charitable organizations assisting with bingo games.
96, am 548-549, psd 596, nonconc S am, conf 1046, 1054, 1101, rep adop 1139, 1160, enr 1183, appointments 1204 (Chapter 340)
- HB 465.** changing the name of the solid waste management council. (Millard of Mer. 4 - To Environment and Agriculture)
96, am 612-614, psd 686, conc S am 1074, enr am 1161-1162, enr 1181 (Chapter 341)
- HB 466.** relative to absentee voting by college students. (Dickinson of Car. 2; Lewis of Mer. 5 - To Constitutional and Statutory Revision)
96, K 259
- HB 467.** relative to discharges of mortgages. (Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)
96, psd 470, 521, conc S am 911, enr 1027 (Chapter 171)
- HB 468.** relative to hearings on bond issues prior to town meetings. (Perham of Hil. 10; Prestipino of Hil. 10 - To Municipal and County Government)
96, K 483
- HB 469.** prohibiting the use or operation of ski craft on Pleasant Lake and Little Lake Sunapee in the town of New London. (Kidder of Mer. 2; Jacobson of Mer. 2 - To Transportation)
96, Com 637, 1197

- HB 470**, relative to access of motor vehicle records. (Perry of Ches. 10 - To Transportation)
96, K 554
- HB 471**, regarding review of developments which may have regional impact. (Millard of Mer. 4 - To Municipal and County Government)
96, am 506-507, psd 522, S nonconc 693
- HB 472**, relative to appeals to the zoning board of adjustment. (Perry of Ches. 10 - To Municipal and County Government)
96, am 410, psd 463, S conc 692, enr 718 (Chapter 69)
- HB 473**, relative to building codes in municipalities. (Campbell of Bel. 5; Sen. Freese - To Municipal and County Government)
96, psd 410, 463, S conc 692, enr 718 (Chapter 70)
- HB 474**, relative to the losing party's payment of the prevailing party's costs in tort actions. (Dickinson of Car. 2 et al - To Judiciary)
96, K 658
- HB 475**, to require the full legal names of candidates on primary and general election ballots. (Flanagan of Rock. 8; Holden of Hil. 9 - To Constitutional and Statutory Revision)
First new title: requiring the full legal name of persons on ballots and on checklists.
Second new title: permitting a candidate to designate the form in which his name shall be printed on the ballot and relative to the form of state general election ballots.
96, am 259-261, psd 310, conc S am 1049, enr 1180 (Chapter 312)
- HB 476**, relative to holding special meetings concerning emergency expenditures for towns, village districts, and school districts. (West of Mer. 21 - To Municipal and County Government)
96, am 410-411, psd 463, conc S am 859, enr 1027 (Chapter 172)
- HB 477**, relative to housing standards ordinances. (Soucy of Hil. 39 - To State Institutions and Housing)
96, psd 514, 522, S conc 828, enr 857 (Chapter 89)
- HB 478**, relative to withdrawal from a regional refuse disposal district. (Cole of Ches. 10; Sen. Freese - To Environment and Agriculture)
96, K 294
- HB 479**, relative to solid waste management plans. (Cole of Ches. 10; Sen. Freese - Environment and Agriculture)
96, K 345
- HB 480**, relative to the domicile of assistant moderators and assistant town clerks who serve at polling places. (Roulston of Rock. 20 - To Constitutional and Statutory Revision)
96, K 261
- HB 481**, requiring plumbing systems in new construction to meet certain requirements. (Weddle of Rock. 24; Roulston of Rock. 20 - To Resources, Recreation and Development)
96, K 431
- HB 482**, allowing a certain community to use septic holding tanks for a limited period. (Boucher of Rock. 23 - To Resources, Recreation and Development)
97, K 284
- HB 483**, relative to wage assignment. (Lown of Hil. 9; Jones of Hil. 20 - To Children, Youth and Juvenile Justice)
97, K 527
- HB 484**, relative to checkout procedures after votes are cast. (Ahrens of Hil. 13 et al - To Constitutional and Statutory Revision)
97, psd 261, 310, S conc 692, enr 718 (Chapter 71)
- HB 485**, relative to approval for certain public utility purchases. (Gilmore of Str. 7 - To Science, Technology and Energy)
97, K 509
- HB 486-FN**, relative to clearing land and cutting timber. (Sherburne of Rock. 2 - To Environment and Agriculture)
97, ext 255, am 648, psd 686, conc S am 1049, enr 1180 (Chapter 313)
- HB 487**, relative to grandparents' rights. (Skinner of Rock. 21 - To Children, Youth and Juvenile Justice)
97, am 527-528, psd 596, conc S am 1074, enr 1180 (Chapter 314)
- HB 488**, relative to regional cooperation on solid waste disposal. (Marsh of Coos 1 et al - To Municipal and County Government)
97, am 483, psd 521, S conc 859, enr am 1170, enr 1182 (Chapter 342)

- HB 489**, relative to utility easements. (West of Mer. 21 - To Municipal and County Government)
97, am 545, psd 596, S conc 763, enr 857 (Chapter 90)
- HB 490**, establishing a speed limit and restricting the use of certain devices on a portion of the Connecticut River. (Guest of Graf. 12 - To Transportation)
97, Com 637-638, 1197
- HB 491**, relative to insufficient funds. (Lefebvre of Hil. 29 - To Commerce, Small Business and Consumer Affairs)
97, rem 524, K 586
- HB 492**, relative to recreational campgrounds and camping parks. (Dickinson of Car. 2 et al - To Resources, Recreation and Development)
97, am 284-286, psd 311, conc S am 1074, enr 1181 (Chapter 343)
- HB 493**, relative to insurance premium refunds. (Foss of Str. 10 - To Commerce, Small Business and Consumer Affairs)
97, am 536, psd 596, conc S am 911, enr 1027 (Chapter 173)
- HB 494**, relative to the transition period for a new state treasurer and a new secretary of state. (Healy of Hil. 38; Sen. Hough - To Legislative Administration)
97, psd 266-267, 311, conc S am 693, enr 718 (Chapter 72)
- HB 495**, regarding election of regional refuse disposal district committee members. (Harland of Sul. 8; Gilmore of Str. 7 - To Environment and Agriculture)
97, K 563
- HB 496**, relative to when water companies are public utilities. (Vincent of Str. 8 - To Science, Technology and Energy)
97, K 486
- HB 497**, relative to financial responsibility for hazardous waste accidents. (Daigle of Hil. 24 et al - To Environment and Agriculture)
97, am 452-453, psd 464, S conc 763, enr 857 (Chapter 91)
- HB 498**, relative to publication of information on certain juvenile offenders. (Cooke of Rock. 20 et al - To Children, Youth and Juvenile Justice)
97, am 287, psd 311, conc S am 859, enr 1027 (Chapter 174)
- HB 499**, relative to administration of medications to clients receiving services in the state mental health system. (Foster of Ches. 17 - To Health, Human Services and Elderly Affairs)
97, psd 265, 310, S conc 692, enr 687 (Chapter 41)
- HB 500**, relative to placing offices on the state general election ballot. (Oleson of Coos 7 - To Constitutional and Statutory Revision)
98, K 401
- HB 501**, relative to a column on the general election and primary ballots for write-in candidates. (Oleson of Coos 7 - To Constitutional and Statutory Revision)
98, K 206
- HB 502**, relative to disclosure of mental health information. (Nardi of Hil. 35 - To Health, Human Services and Elderly Affairs)
98, am 478-479, psd 521, nonconc S am, conf 1045, 1048, rep adop 1139, 1160, enr 1183 (Chapter 344)
- HB 503**, relative to business and voluntary corporations. (Drolet of Hil. 8 et al - To Commerce, Small Business and Consumer Affairs)
New title: relative to business and voluntary corporations and reinstating the charters of S.P.B., Inc. and Jefferson, Currier & Company, Inc.
98, psd 400, 463, conc S am 1049, enr 1110 (Chapter 256)
- HB 504**, relative to public and congregate mooring fields. (Hawkins of Bel. 5 - To Transportation)
98, Com 677-678, 1197
- HB 505**, relative to speed limits on state roads in towns. (Popov of Rock. 12; Caswell of Rock. 12 - To Transportation)
98, am 678, psd 686, S conc 859, enr 1027 (Chapter 175)
- HB 506**, relative to holding organization meetings for cooperative school districts. (Wheeler of Hil. 10 - To Education)
98, K 559
- HB 507-FN**, relative to child care. (Wallner of Mer. 21; O'Rourke of Hil. 35 - To Children, Youth and Juvenile Justice)
98, psd 205, 247, S conc 523, enr 687 (Chapter 42)

- HB 508**, relative to town moderators and elections. (Jasper of Hil. 19 - To Municipal and County Government)
98, K 633
- HB 509-FN**, authorizing industrial development financing for the Manchester Airport. (O'Rourke of Hil. 35 et al - To Public Works)
98, psd 415-416, 463, conc S am 986, enr am 1058, enr 1083 (Chapter 265)
- HB 510-FN**, relative to parental involvement in abortion decisions of minor dependent children. (Sytek of Rock. 20 et al - To Children, Youth and Juvenile Justice)
98, K 641
- HB 511**, relative to medical records. (McGovern of Rock. 27 et al - To Health, Human Services and Elderly Affairs)
98, am 322, psd 392, S conc 692, enr 687 (Chapter 43)
- HB 512**, relative to zoning ordinance protest petitions. (Wadsworth of Graf. 12; Copenhaver of Graf. 12; - To Municipal and County Government)
98, am 242, psd 248, S conc 523, enr 687 (Chapter 44)
- HB 513**, relative to medicare balanced billing. (Soldati of Mer. 19 et al - To Commerce, Small Business and Consumer Affairs)
98, Com 645, 1197
- HB 514**, regarding notice provisions for additives applied to fresh produce. (Millard of Mer. 4; Tarpley of Hil. 9 - To Environment and Agriculture)
98, Com 614, 1197
- HB 515**, relative to liability for underground storage facility violations. (Dyer of Hil. 7 - To Resources, Recreation and Development)
98, K 431
- HB 516-FN**, relative to illegal dumping of garbage. (Gage of Rock. 13 et al - To Environment and Agriculture)
98, am 649, psd 686, conc S am 1032, enr am 1075, enr 1110 (Chapter 292)
- HB 517**, relative to current use posting. (Eaton of Ches. 4 - To Environment and Agriculture)
98, K 401
- HB 518-FN**, establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program. (Sytek of Rock. 20 - To Executive Departments and Administration)
New title: establishing a cost containment unit within the department of administrative services to administer the indigent defense eligibility and repayment program and making an appropriation therefor.
99, am & Approp 473-474, am 783-785, psd 826, conc S am 1074, enr am 1177-1178, enr 1183 (Chapter 345)
- HB 519-FN**, relative to presite built housing. (Whitcomb of Graf. 1 - To State Institutions and Housing)
99, Com 287, 1197
- HB 520-FN**, permitting nonprofit organizations to erect informational signs along highways. (Moore of Hil. 5 - To Transportation)
99, Com 554, 1197
- HB 521-FN**, regarding a state loan for the Monroe sewage treatment facility. (Weymouth of Graf. 2 - To Public Works)
99, am & Approp 223-224, am 735-736, psd 760, S conc 909, enr 1027 (Chapter 176)
- HB 522-FN**, to establish a committee to study the qualifications for bus drivers of special education children. (Moore of Hil. 5 et al - To Children, Youth and Juvenile Justice)
99, K 205
- HB 523**, relative to a privilege for confidential communications between guardian ad litem and child. (Asplund of Mer. 10 - To Children, Youth and Juvenile Justice)
99, am 258-259, psd 310, conc S am 718, enr 857 (Chapter 92)
- HB 524**, requiring insurers to send cancellation notices. (Asplund of Mer. 10 - To Commerce, Small Business and Consumer Affairs)
99, Com 536, 1197
- HB 525**, relative to prohibited excavation projects. (Palazzo of Rock. 16 - To Environment and Agriculture)
99, K 209

- HB 526**, relative to a local option for siting of businesses and industry which may be environmentally hazardous or a nuisance. (Palazzo of Rock. 16 - To Municipal and County Government) 99, K 242
- HB 527**, relative to a waiting period between rezoning proposals. (Jones of Hil. 20 - To Municipal and County Government) 99, K 483
- HB 528**, relative to learners' permits. (Bourque of Hil. 35 et al - To Transportation) 99, am 638, psd 686, conc S am 1074, enr 1180 (Chapter 315)
- HB 529**, relative to the definition of ski craft, to be known as "personal watercraft." (G. Katsakiores of Rock. 7 - To Transportation) 99, K 678-679
- HB 530-FN**, relative to drug penalties and drug and alcohol education and rehabilitation programs. (McCain of Rock. 11 - To Children, Youth and Juvenile Justice) 99, Com 313, 1197
- HB 531-FN**, relative to the powers and duties of county commissioners in unincorporated towns and unorganized places. (Horton of Coos 4 et al - To Municipal and County Government) 99, am 460, psd 464, conc S am 911, enr am 1059, enr 1083 (Chapter 266)
- HB 532-FN**, establishing a committee to study the tax structure in New Hampshire. (Asplund of Mer. 10 et al - To Ways and Means)
New title: establishing a committee to study the revenue structure in New Hampshire. 99, am 698-699, psd 714, S conc 985, enr 1070, appointments 1204 (Chapter 199)
- HB 533-FN**, relative to the custody and impoundment of certain dogs. (Densmore of Graf. 3; Sen. Bond - To Public Protection and Veterans Affairs) 99, am 412-413, psd 463, S nonconc 828
- HB 534-FN**, relative to bottled water. (Millard of Mer. 4 - To Environment and Agriculture) 99, ext 255, am 614-618, psd 686, S nonconc 828
- HB 535-FN**, including water districts under the public utilities commission. (Millard of Mer. 4 - To Science, Technology and Energy) 99, K 286
- HB 536-FN**, relative to technical changes in the unemployment compensation law and to changes in the maximum weekly benefit amount. (Skinner of Rock. 21 - To Labor, Industrial and Rehabilitative Services) 100, am 629-632, psd 686, S conc 1031, enr 1082 (Chapter 267)
- HB 537-FN**, authorizing the town of North Hampton to collect taxes for one 18-month accounting period. (Greene of Rock. 18 - To Municipal and County Government) 100, psd 411, 463, S conc 763, enr 857 (Chapter 93)
- HB 538-FN**, relative to mining. (Greene of Rock. 18 et al - To Environment and Agriculture) 100, ext 255, K 618
- HB 539-FN**, relative to establishing a fund for construction costs of public utilities. (Hall of Mer. 7 - To Science, Technology and Energy) 100, Com 509, 1197
- HB 540-FN**, relative to reporting of illegal waste disposal sites. (Weddle of Rock. 24; Roulston of Rock. 20 - To Environment and Agriculture) 100, ext 255, K 319
- HB 541-FN**, relative to a uniform dwelling unit tax assessed by towns and cities to pay the local portion of funding for schools. (Hoar of Rock. 6 - To Municipal and County Government) 100, K 268
- HB 542**, relative to regulating increases in manufactured housing parks. (Doucette of Ches. 17 et al - To State Institutions and Housing) 100, K (RC) 514-517
- HB 543**, enabling towns to hold special meetings to purchase land for conservation purposes. (Jacobson of Mer. 2 - To Municipal and County Government) 100, K 411-412
- HB 544-FN**, relative to medical waste. (Maviglio of Bel. 1 et al - To Health, Human Services and Elderly Affairs) 100, Com 350, 1197
- HB 545-FN**, relative to drug-free schools. (Chase of Rock. 28 - To Children, Youth and Juvenile Justice) 100, K 259

- HB 546-FN**, relative to the water protection assistance program. (Bardsley of Mer. 1 et al - To Resources, Recreation and Development)
New title: relative to the water protection assistance program and relative to the closure of shellfish flats on the seacoast.
100, am 484-485, psd 521, conc S am 1074, enr am 1162, enr 1181, appointments 1204 (Chapter 346)
- HB 547**, revising the definition of "dam." (Hall of Hil. 16 - To Resources, Recreation and Development)
100, K 431
- HB 548**, relative to siting New Hampshire housing finance authority projects. (Weddle of Rock. 24 - To State Institutions and Housing)
100, K 517-518
- HB 549-FN**, requiring the public utilities commission to approve purchases and conversions by electric utilities. (Hall of Mer. 7; Chambers of Graf. 12 - To Science, Technology and Energy)
100, K 510
- HB 550**, relative to temporary emergency zoning ordinances. (Copenhaver of Graf. 12 - To Municipal and County Government)
100, K 546
- HB 551-FN**, regarding emergency evacuation plans for nuclear facilities. (Hollingworth of Rock. 17 - To Science, Technology and Energy.)
100, K 461-462
- HB 552-FN**, relative to assessment of conservation lands. (Hager of Mer. 21 - To Municipal and County Government)
100, Com 633, 1197
- HB 553**, relative to the Wentworth-Douglass Hospital charter. (Torr of Str. 6; Sen. Torr - To Constitutional and Statutory Revision)
100, psd 401, 463, conc S am 859, enr 1027 (Chapter 177)
- HB 554**, relative to the advisory council on the sale and fitting of hearing aids. (Drabinowicz of Hil. 32 - To Health, Human Services and Elderly Affairs)
100, psd 479, 521, S conc 692, enr 718 (Chapter 73)
- HB 555**, relative to damaged and rebuilt vehicles. (G. Katsakiores of Rock. 7 - To Commerce, Small Business and Consumer Affairs)
101, K 470
- HB 556**, relative to the rulemaking authority and powers and duties of the board of governors and the administrative board of the department of postsecondary vocational-technical education. (La-Mott of Graf. 5 - To Education)
First new title: relative to the board of governors, and administrative board, and the commissioner of the department of postsecondary vocational-technical education.
Second new title: relative to the board of governors, the administrative board, and the commissioner of the department of postsecondary vocational-technical education.
101, Approp 540, am 736-737, psd 760, conc S am 1074, enr am 1162, enr 1181 (Chapter 397)
- HB 557**, relative to restoration and preservation of covered wooden bridges. (Schotanus of Sul. 1 et al - To Public Works)
101, Com 548, 1197
- HB 558**, relative to accessible polling places. (Frechette of Str. 8 - To Constitutional and Statutory Revision)
101, K 315
- HB 559-FN**, regarding electric utility service territories. (Barber of Ches. 17 et al - To Science, Technology and Energy)
101, K 510
- HB 560**, regarding funding measures established by municipalities to repay loans from the state water pollution control revolving loan fund. (G. Katsakiores of Rock. 7 - To Municipal and County Government)
101, K 412
- HB 561**, relative to the protection of public funds. (Packard of Hil. 15 - To Commerce, Small Business and Consumer Affairs)
101, am 645-648, psd 686, nonconc S am 1075-1076
- HB 562-FN**, making technical changes in the election laws. (Flanagan of Rock. 8; Holden of Hil. 9 - To Constitutional and Statutory Revision)
101 am 537-540, psd 596, S Com 1199

- HB 563**, relative to land surveyors and condominiums. (Torr of Str.6; Sen. Torr - To Municipal and County Government)
101, Com 664, 1197
- HB 564**, permitting awards of enhanced damages in civil suits against intoxicated drivers. (Dwyer of Hil. 41 - To Judiciary)
101, K 542
- HB 565**, relative to the state board of education. (Larson of Graf. 9; Sen. Bond - To Education)
101, psd 559, 596, S conc 763, enr 857 (Chapter 94)
- HB 566**, relative to investments by town trustees. (Fields of Hil. 13; Kelley of Hil. 13 - To Municipal and County Government)
101, K 461
- HB 567-FN**, relative to expenditure of excess moneys by school districts. (Robinson of Hil. 12; Sen. Hough - To Education)
101, Com 610, 1197
- HB 568-FN**, regarding noise pollution control. (Packard of Hil. 15; Pantzer of Mer. 11 - To Public Protection and Veterans Affairs)
101, K 413
- HB 569-FN**, to regulate drivers at motor vehicle race tracks. (Vartanian of Rock. 20 - To Public Protection and Veterans Affairs)
101, K 219
- HB 570-FN-A**, establishing a forgivable teaching loan program and making an appropriation therefor. (Larson of Graf. 9 et al - To Education)
101, Approp 341, psd 770, 826, S nonconc 1031
- HB 571-FN**, establishing standards for mediators. (Jacobson of Mer. 2 et al - To Judiciary)
101, am 405-408, psd 463, conc S am 1033, enr am 1058, enr 1083 (Chapter 268)
- HB 572-FN**, relative to an impact fee authorization statute. (Hunt of Ches. 9 et al - To Municipal and County Government)
101, K 633
- HB 573-FN**, relative to municipal budget law. (Campbell of Bel. 5 - To Municipal and County Government)
101, K 546
- HB 574-FN**, relative to licensure of mental health professionals. (Hawkins of Bel. 5; McCain of Rock. 11. - To Executive Departments and Administration)
102, ext 399, rem 609, am & Approp 681-685, rem 724, psd 754, 761, S nonconc 910
- HB 575-FN**, relative to campaign financing. (Flanagan of Rock. 8; Holden of Hil. 9 - To Constitutional and Statutory Revision)
102, Com 540, 1197
- HB 576-FN**, relative to cruelty to animals. (Pantzer of Mer. 11; Packard of Hil. 15 - To Environment and Agriculture)
102, ext 255, K 401
- HB 577-FN**, establishing a New Hampshire head injury advisory council. (Olimpio of Car. 7 et al - To Health, Human Services and Elderly Affairs)
102, K 350
- HB 578-FN**, relative to victim's assistance. (Spencer of Str. 4 et al - To Judiciary)
First new title: relative to victims' assistance and compensation.
Second new title: relative to victim's assistance and making an appropriation therefor.
102, am & Approp 458-460, rem 764, am 820-824, psd 826, nonconc S am, conf 1045, 1054, rep adop 1139-1140, 1160, enr am 1176-1177, enr 1183 (Chapter 417)
- HB 579-FN**, permitting certain policemen and firemen to join the New Hampshire retirement system. (Hoar of Rock. 6 et al - To Executive Departments and Administration)
102, am & Approp 474-475, psd 737, 760, S conc 1031, enr 1070 (Chapter 238)
- HB 580-FN**, relative to surplus land and the housing finance authority. (Bardsley of Mer. 1 - To State Institutions and Housing)
102, K (RC) 302-305
- HB 581-FN-A**, relative to the residential specialist program and making an appropriation therefor. (Mayhew of Coos 3 et al - To Education)
102, am & Approp 342-343, K 737-738

- HB 582-FN**, relative to a committee to review surface water use restrictions on the public waters of the state. (Maviglio of Bel. 1; Young of Str. 10 - To Resources, Recreation and Development)
New title: dedicating the state police barracks in Milford to Major John T. Conti, Sergeant Roger Hilton, and Sergeant William Smith.
 102, am 431-432, psd 464, nonconc S am, conf 1055, 1072, rep adop 1140, 1160, enr 1182 (Chapter 347)
- HB 583-FN**, relative to the vote required to form or to make an annexation to a cooperative school district. (Wheeler of Hil. 10 et al- To Education)
 102, Com 559, 1197
- HB 584-FN**, relative to bad checks. (Lovejoy of Rock. 7 - To Judiciary)
 102, ext 254, am 323, psd 392, conc S am 1033, enr 1082 (Chapter 269)
- HB 585-FN**, relative to funding the costs of minimum standards for elementary schools. (Campbell of Rock. 20 et al - To Education)
 102, Com 319, 1197
- HB 586-FN**, relative to siting and permitting of solid and hazardous waste disposal facilities. (Campbell of Rock. 20 - To Environment and Agriculture)
New title: relative to siting and permitting of solid and hazardous waste disposal facilities; to forfeiture of property for solid waste management violations; and to low-level radioactive waste management.
 102, psd 209, 247, nonconc S am, conf 1071, discussion, conf req wthd & conc S am (2 RC's) 1083-1100, enr am 1162-1163, enr 1182 (Chapter 398)
- HB 587-FN**, relative to license plates and decals for persons with walking disabilities. (Gage of Rock. 20 - To Transportation)
First new title: relative to license plates and decals for relatives of handicapped persons.
Second new title: relative to special number plates for persons with walking disabilities.
 102, am 679-681, psd 687, conc S am 1050-1051, enr 1180 (Chapter 316)
- HB 588-FN**, enabling municipalities to impose capital improvement impact fees. (McCann of Str. 7 et al - To Municipal and County Government)
 102, K 633
- HB 589-FN**, to define "retired state employee" for state employees group insurance purposes. (Campbell of Bel. 5 - To Executive Departments and Administration)
 102, Com 475-476, 1197
- HB 590-FN**, relative to submitting municipal financial reports to the department of revenue administration. (West of Mer. 21 et al - To Municipal and County Government)
 102-103, psd 268, 311, S conc 985, enr am 1170-1171, enr 1182 (Chapter 399)
- HB 591-FN**, requiring grocery stores to mark each packaged item offered for sale with a price. (Scanlan of Graf. 11 - To Commerce, Small Business and Consumer Affairs)
 103, Com 470-471, 1198
- HB 592-FN**, relative to a minimum service retirement allowance for group I members with 20 or more years of creditable service. (Hawkins of Bel. 5 et al - To Executive Departments and Administration)
 103, Com 320, 1198
- HB 593-FN**, relative to collective bargaining. (Hawkins of Bel. 5; 5; Robinson of Hil. 12 - To Labor, Industrial and Rehabilitative Services)
 103, am 408, psd 463, S nonconc 1048
- HB 594-FN**, relative to health care coverage for retired persons. (Hawkins of Bel. 5; Sen. Torr - To Executive Departments and Administration)
First new title: to reinstate medical and surgical benefits for certain retired employees.
Second new title: to reinstate medical and surgical benefits for certain retired employees and relative to health care coverage for retired employees of political subdivisions.
 103, Approp 321, am 770-771, psd 826, nonconc S am, conf 1055, 1071, rep adop 1140, 1160, enr 1183 (Chapter 348)
- HB 595-FN**, to permit teachers who relocate to New Hampshire to purchase their out-of-state service as creditable service in the New Hampshire retirement system. (Hawkins of Bel. 5 - To Executive Departments and Administration)
 103, am & Approp 476, psd 738, 760, conc S am 1050, enr 1180 (Chapter 317)
- HB 596-FN**, limiting personal liability of fire department and emergency rescue services personnel. (Burling of Sul. 1; Sen. Disnard - To Judiciary)
 103, ext 254, Com (RC) 568-572, 1198

- HB 597-FN**, relative to installments for repair cost. (Hoar of Rock. 6; Miller of Ches. 1 - To Municipal and County Government)
103, K 633
- HB 598-FN**, allowing towns to fix a village district for the establishment of a police department, and relative to a village district formed by the towns of Franconia and Sugar Hill. (Densmore of Graf. 3; Sen. Bond - To Municipal and County Government)
103, K 546
- HB 599-FN**, enabling cities and towns to adopt an optional exemption for real estate occupied by physically handicapped. (Rose of Graf. 11 - To Municipal and County Government)
103, K 546
- HB 600-FN**, relative to the tax lien for the elderly and the disabled. (Forsythe of Rock. 6; Rose of Graf. 11 - To Municipal and County Government)
103, K 268
- HB 601-FN**, relative to optional property tax exemptions for the elderly. (Forsythe of Rock. 6; Rose of Graf. 11 - To Municipal and County Government)
103, K 546
- HB 602-FN**, relative to distribution of state documents to certain postsecondary institutions. (Blacketor of Ches. 12 et al - To Legislative Administration)
103, K 267
- HB 603-FN**, relative to state-owned land. (Blanchard of Rock. 26 et al - To Executive Departments and Administration)
103, K 403
- HB 604-FN**, relative to classifying land for purposes of the land use change tax. (Blacketor of Ches. 12 et al - To Environment and Agriculture)
103, K 236
- HB 605-FN**, relative to a recycling logo. (Millard of Mer. 4 - To Environment and Agriculture)
103, ext 255, am 618, psd 686, conc S am 1074, enr 1180 (Chapter 318)
- HB 606-FN**, relative to approvable plans for solid waste management districts. (Millard of Mer. 4 et al - To Environment and Agriculture)
103 ext 255, am 649-652, psd 686, conc S am 1049, enr 1110 (Chapter 293)
- HB 607-FN**, relative to deposits on dairy cases. (Millard of Mer. 4 - To Environment and Agriculture)
103, ext 255, K 319
- HB 608-FN**, establishing a study committee to examine the procedures of siting, licensing and operation of energy related facilities. (Rodeschin of Sul. 2 et al - To Science, Technology and Energy)
104, am 462, psd 464, conc S am 1033, enr 1070, appointments 1204-1205 (Chapter 239)
- HB 609-FN**, establishing a pilot program for jury selection, service and compensation in one county. (Pelley of Straf. 10 - To Judiciary)
New title: relative to jury selection procedures.
104, ext 254, rem 524, am 590-591, psd 596, S conc 985, enr 1069 (Chapter 200)
- HB 610-FN**, to provide property tax credits for Hampton residents who are not connected to a sewer line. (Malcolm of Rock. 17 et al - To Municipal and County Government)
104, K 302
- HB 611-FN**, relative to service dogs. (Hager of Mer. 21 - To Health, Human Services and Elderly Affairs)
104, psd 322, 392, S conc 692, enr 687 (Chapter 45)
- HB 612-FN**, relative to nursing home care costs paid by counties. (Schotanus of Sul. 1 et al - To Appropriations)
104, com changed 162, Com 350, 1198
- HB 613-FN**, relative to the method for granting supplemental allowances to New Hampshire retirement system members. (Campbell of Bel. 5 - To Executive Departments and Administration)
104, rem 524, am & Approp 589-590, am 738, psd 760, nonconc S am, conf 1055, 1071, rep adop 1140, 1160, enr am 1179-1180, enr 1183 (Chapter 400)
- HB 614-FN**, relative to public welfare fraud. (West of Mer. 21 - To Judiciary)
104, Com 572, 1198
- HB 615-FN**, establishing a pilot program relative to medical, hospital and remedial care in workers' compensation. (Manus of Mer. 17 et al - To Labor, Industrial and Rehabilitative Services)
104, am 658-660, psd 686, S conc 909, enr 1027, appointments 1205 (Chapter 178)

- HB 616-FN**, relative to the public utilities commission. (Vogler of Bel. 4 - To Science, Technology and Energy)
104, rem 466, am 519-521, psd 522, recon & am 595, psd 597, conc S am 1033, enr 1070 (Chapter 240)
- HB 617-FN**, relative to the public utilities commission appointing a receiver for a public water utility. (Vogler of Bel. 4 - To Science, Technology and Energy)
104, am 486, psd 521, S conc 692, enr 718 (Chapter 74)
- HB 618-FN**, relative to grandparent's rights. (Doucette of Ches. 17; Brown of Str. 11 - To Children, Youth and Juvenile Justice)
104, K 528
- HB 619-FN**, relative to the cost to counties for performing autopsies. (Marsh of Coos 1 et al - To Municipal and County Government)
104, Approp 506, K 785
- HB 620-FN**, relative to the maintenance of boat launching ramps and related parking areas. (Fillion of Mer. 15; Boucher of Rock. 23 - To Resources, Recreation and Development)
104, K 549
- HB 621-FN**, relative to state employee compensation for snow handling. (LaMott of Graf. 5 - To Executive Departments and Administration)
104, K 403
- HB 622-FN**, relative to vested deferred retirement benefits for group I members. (Campbell of Bel. 5 - To Executive Departments and Administration)
104, am & Approp 540-541, psd 738, 760, S conc 1031, enr 1070 (Chapter 241)
- HB 623-FN**, relative to the appraisal of open space land. (Chandler of Car. 1 - To Environment and Agriculture)
104, K 236
- HB 624-FN**, relative to penalties for violations of motor vehicle laws by minors. (Record of Hil. 23 et al - To Children, Youth and Juvenile Justice)
104, Com 313, 1198
- HB 625-FN**, permitting a county to impose a lien on real and personal property for nonreimbursement of certain court-ordered expenses. (Record of Hil. 23 - To Children, Youth and Juvenile Justice)
104, psd 259, 310, S conc 692, enr 718 (Chapter 75)
- HB 626-FN**, relative to binding arbitration for public employees. (Blacketor of Ches. 12 et al - To Labor, Industrial and Rehabilitative Services)
105, K 325
- HB 627-FN**, regarding beverage container redemption and recycling. (Hall of Hil. 16 - To Environment and Agriculture)
105, K 618
- HB 628-FN**, relative to time period for perambulation of town or city boundaries. (Nelson of Coos 8 et al - To Municipal and County Government)
105, K 412
- HB 629-FN**, relative to gravesites. (Gage of Rock. 13 - To Public Protection and Veterans Affairs)
105, am 413-414, psd 463, nonconc S am, conf 912, 1048, rep adop 1140, 1160, enr 1183 (Chapter 401)
- HB 630-FN**, relative to the time for assessing property taxes following a complete reassessment in a city or town. (Hawkins of Bel. 5; Sen. Bond - To Municipal and County Government)
105, K 633
- HB 631-FN**, relative to railroad consolidation with other public utilities or common carriers. (Hoar of Rock. 6 - To Transportation)
105, Com 638, 1198
- HB 632**, relative to the confidentiality of quality assurance records of community mental health centers. (Foster of Ches. 17 - To Health, Human Services and Elderly Affairs)
105, psd 323, 392, S study 763, 1199
- HB 633-FN**, establishing a study committee to examine ethics in government involving public officials and public employees. (Lachance of Str. 3; Hunt of Ches. 9 - To Legislative Administration)
105, K 482
- HB 634-FN**, relative to "black liquor" and municipalities. (Weddle of Rock. 24; Pantelakos of Rock. 24 - To Environment and Agriculture)
105, rem 524, K (RC) 586-589

- HB 635-FN**, relative to protecting federally subsidized housing. (Bourque of Hil. 35 et al - To State Institutions and Housing)
105, am 634-635, psd 686, S nonconc 910
- HB 636-FN**, relative to an optional property tax exemption for widows. (Forsythe of Rock. 6: Rose of Graf. 11 - To Municipal and County Government)
105, K 412
- HB 637**, relative to the conduct of tax sales for failure to pay real estate taxes. (West of Mer. 21 - To Municipal and County Government)
105, am 664-665, psd 686, conc S am 1157, enr 1183 (Chapter 402)
- HB 638**, relative to evictions in the wintertime. (Bourque of Hil. 35; Nardi of Hil. 35 - To State Institutions and Housing)
105, K 487
- HB 639-FN**, relative to the disposition of acquired rail properties. (Hoar of Rock. 6 - To Transportation)
105, Com 638, 1198
- HB 640-FN**, to permit the Wakefield school district to withdraw from the Rochester authorized regional enrollment plan. (Olimpio of Car. 7 - To Education)
105, am 293-294, recon & rcmt 310, psd 540, 596, conc S am 1032, enr 1070 (Chapter 242)
- HB 641-FN**, relative to withholding conservation funds from communities which do not provide low and moderate income housing. (Weddle of Rock. 24 - To State Institutions and Housing)
105, K 487
- HB 642-FN**, enabling certain cities and towns to adopt an optional adjusted elderly exemption. (Hoar of Rock. 6 - To Municipal and County Government)
105, K 633
- HB 643-FN**, relative to retention and destruction of district court records. (Palumbo of Rock. 10; Phelps of Mer. 1 - To Judiciary)
New title: relative to retention and destruction of district court records, responsibility for payment of costs of court-ordered services, and taxable court costs.
105, am 542-543, psd 596, conc S am 986, enr 1070 (Chapter 243)
- HB 644-FN**, enabling cities and towns to adopt an optional veterans exemption. (Matson of Ches. 7 - To Municipal and County Government)
New title: relative to the optional veterans' exemption.
105, rcmt 302, psd 573-574, 596, conc S am 1033, enr 1082 (Chapter 270)
- HB 645-FN**, relative to the penalty for the failure to file the inventory of polls and property. (Markley of Graf. 6 - To Municipal and County Government)
105, K 633
- HB 646-FN**, relative to distribution to schools of sweepstakes revenues on a student per capita basis. (LaMott of Graf. 5 et al - To Education)
106, K 540
- HB 647-FN**, establishing a committee to locate temporary housing for persons diagnosed with AIDS or cancer. (Trombly of Mer. 4 - To Health, Human Services and Elderly Affairs)
106, K 323
- HB 648-FN**, relative to vehicles impeding the flow of traffic. (Trombly of Mer. 4 - To Transportation)
106, K 492
- HB 649-FN**, relative to special number plates for firefighters. (Trombly of Mer. 4 - To Transportation)
106, K 492-493
- HB 650-FN**, relative to removing certain municipal officers. (West of Mer. 21 - To Municipal and County Government)
New title: relative to removing tax collectors.
106, am 546-547, psd 596, nonconc S am, conf 912, 1048, rep adop 1140, 1160 (K)
- HB 651-FN**, relative to adoption fees and information about birthparents. (Wallner of Mer. 21 - To Children, Youth and Juvenile Justice)
106, rem 312, am 386, psd 392, conc S am 1031, enr am 1059, enr 1083 (Chapter 271)
- HB 652-FN**, relative to discounts and credit terms for the sale of wine. (Avery of Ches. 5; Roulston of Rock. 20 - To Regulated Revenues)
106, am 549, psd 596, S conc 910, enr 1069 (Chapter 201)

- HB 653-FN**, regarding credit on solid waste disposal delivery contracts. (Harland of Sul. 8 et al - To Environment and Agriculture)
106, rem 312, K 387
- HB 654-FN**, authorizing of the New Hampshire Federation of Teachers participation in the New Hampshire retirement system. (Sage of Hil. 30 et al - To Executive Departments and Administration)
First new title: authorizing certain organizations to participate in the New Hampshire retirement system.
Second new title: creating a committee to study what organizations may participate in the New Hampshire retirement system.
Third new title: creating a committee to study what organizations may participate in the New Hampshire retirement system, and authorizing the New Hampshire federation of teachers to participate in the New Hampshire retirement system.
106, am & Approp 564-565, am 738-739, psd 760, nonconc S am, conf 1055, 1071, rep adop 1140, 1160, enr 1184, appointments 1205 (Chapter 403)
- HB 655-FN**, to permit a credit or cash refund for overpayment of taxes or other charges owed by an insurer. (Boucher of Mer. 9 - To Commerce, Small Business and Consumer Affairs)
106, am 471, psd 521, S conc 692, enr 718 (Chapter 76)
- HB 656-FN**, relative to resellers of telecommunication services. (Bicknell of Hil. 22 - To Science, Technology and Energy)
106, K 486-487
- HB 657**, excepting certain landfills and other waste facilities from local junk yard regulation. (Millard of Mer. 4 - To Environment and Agriculture)
106, am 619, psd 686, S conc 828, enr 857 (Chapter 95)
- HB 658-FN**, relative to taking depositions of child witnesses in criminal cases. (Jones of Hil. 20 - To Children, Youth and Juvenile Justice)
New title: establishing a committee to study the laws relative to depositions.
106, am 528-529, psd 596, nonconc S am, conf 1028, 1054, 1072, rep adop 1140, 1160, enr 1184, appointments 1205-1206 (Chapter 404)
- HB 659-FN**, eliminating an exemption for subdividers of land. (Sherburne of Rock. 2 - To Municipal and County Government)
106, K 507
- HB 660-FN**, establishing a statewide conference on families. (Cooke of Rock. 20 et al - To Children, Youth and Juvenile Justice)
106, Com 529, 1198
- HB 661-FN**, relative to notification to downstream municipalities concerning effluent discharges. (Maviglio of Bel. 1 - To Resources, Recreation and Development)
106, am 432, psd 464, conc S am 1050, enr 1181 (Chapter 405)
- HB 662-FN**, prohibiting police departments and security forces from charging a fee to private businesses for unrequested police protection. (LaChance of Str. 3 - To Public Protection and Veterans Affairs)
106, K 219
- HB 663**, requiring the tax collector and the tax assessor in certain towns to certify tax reports. (Malcolm of Rock. 17; Hollingworth of Rock. 17 - To Municipal and County Government)
106, K 547
- HB 664-FN**, transferring enforcement authority over the equal pay act from the labor commissioner to the commission for human rights. (Wallner of Mer. 21; McGovern of Rock. 27 - To Labor, Industrial and Rehabilitative Services)
107, am 408-409, psd 463, S conc 910, enr 1069, veto sustained (RC) 1146-1150
- HB 665-FN**, establishing an advisory board on boating. (G. Katsakiores of Rock. 7 - To Transportation)
107, Com 554, 1198
- HB 666-FN**, relative to insurance benefits for mental and nervous conditions. (Wright of Rock. 23 - To Commerce, Small Business and Consumer Affairs)
107, K 536
- HB 667-FN**, relative to aircraft owned, leased, or operated by the state. (Welch of Rock. 10 et al - To Legislative Administration)
107, K 482-483
- HB 668-FN**, relative to personal watercraft hearings. (G. Katsakiores of Rock. 7 - To Transportation)
107, K 554

- HB 669**, prohibiting non-biodegradable single use plastic items. (Malcolm of Rock. 17 et al - To Environment and Agriculture)
108, Com 652, 1198
- HB 670-FN**, relative to public accommodation of physically handicapped persons. (Pappas of Hil. 37 et al - To Health, Human Services and Elderly Affairs)
108, Com 479, 1198
- HB 671-FN**, relative to the overpayment of taxes by municipalities. (Cox of Hil. 18 et al - To Municipal and County Government)
108, K 547
- HB 672-FN**, relative to immediate administrative license revocation and blood alcohol content tests, and relative to color-coded minors' and probationary licenses. (Spencer of Str. 4 et al - To Judiciary)
108, K 543
- HB 673-FN**, relative to appraising property with newly constructed or renovated buildings. (Shaw of Mer. 7 - To Municipal and County Government)
108, K 547
- HB 674-FN**, relative to the community spouse under the Catastrophic Aid Act. (Mason of Hil. 8 et al - To Health, Human Services and Elderly Affairs)
108-109, Com 350-351, 1198
- HB 675**, to eliminate straight ticket voting. (Toomey of Hil. 27 et al - To Constitutional and Statutory Revision)
109, K (RC) 443-446
- HB 676**, relative to the operation of OHRV's on rights-of-way. (Scanlan of Graf. 11; Sen. Magee - To Fish and Game)
109, am 476-478, psd 521, S conc 828, enr am 942-943, enr 1027 (Chapter 179)
- HB 677**, relative to modification of child support guidelines. (Domini of Sul. 5 et al - To Children, Youth and Juvenile Justice)
109, am 529-530, psd 596, nonconc S am, conf 1028, 1054, rep adop 1140, 1160, enr 1184 (Chapter 406)
- HB 678**, relative to visitation rights. (Brown of Str. 11 - To Children, Youth and Juvenile Justice)
109, K 530
- HB 679**, creating a school tax exemption for certain nonprofit organizations. (Jasper of Hil. 19 - To Municipal and County Government)
109, K 412
- HB 680-FN**, relative to recycling bottom ash. (Millard of Mer. 4 et al - To Environment and Agriculture)
New title: relative to review of studies on recycling uses for bottom ash.
109, am 619-620, psd 686, S conc 859, enr 907 (Chapter 119)
- HB 681-FN**, relative to workers' compensation. (MacDonald of Rock. 7 et al - To Labor, Industrial and Rehabilitative Services)
109, psd (RC) 351-354, 392, conc S am 1050, enr 1110 (Chapter 294)
- HB 682-FN**, establishing a fire service training fund to pay the costs of establishing a fire academy in New Hampshire. (Ballou of Bel. 5; Dyer of Hil. 7 - To Commerce, Small Business and Consumer Affairs)
109, K 401
- HB 683-FN**, creating a study committee to examine financing of kindergarten costs. (Hawkins of Bel. 5 - To Education)
109, K (RC) 559-563
- HB 684-FN**, prohibiting obscene words and depictions on bumper stickers and T-shirts and prohibiting house parties where minors may consume alcoholic beverages and drugs. (Ballou of Bel. 5 - To Judiciary)
109, K 572
- HB 685-FN**, relative to tenant evictions. (Bourque of Hil. 35; Nardi of Hil. 35 - To State Institutions and Housing)
109, Com 487, 1198
- HB 686**, relative to cable television franchises. (Guay of Coos 7 - To Commerce, Small Business and Consumer Affairs)
109, Com 558, 1198

- HB 687**, relative to terms of local land use board members. (Manus of Mer. 17; West of Mer. 21 - To Municipal and County Government)
109, K 547
- HB 688-FN**, relative to equalizing tax rates within a cooperative school district. (Nichols of Mer. 2; Sen. Currier - To Municipal and County Government)
109, K 412
- HB 689-FN**, regarding air emission ash from waste and energy facilities. (Peyron of Sul. 2; Sen. Disnard - To Environment and Agriculture)
109, K 620
- HB 690**, relative to surplus funds and expenditures by candidates. (Pappas of Hil. 37 - To Constitutional and Statutory Revision)
109, Com 401, 1198
- HB 691-FN**, relative to recording of ancient plats. (LaMott of Graf. 5 - To Municipal and County Government)
109, psd 665, 686, S conc 828, enr 907 (Chapter 120)
- HB 692**, relative to county sheriffs. (McRae of Hil. 6 et al - To Municipal and County Government)
109, K 547
- HB 693-FN**, relative to the leasing of submerged or intertidal lands. (Wall of Str. 4 et al - To Resources, Recreation and Development)
First new title: relative to the leasing of submerged tidal lands.
Second new title: relative to harbor management, leasing of submerged lands and boat registration fees.
109-110, am 584-586, psd 596, nonconc S am, conf 1046, 1053, rep adop 1140, 1160, enr am 1175-1176, enr 1183, appointments 1206 (Chapter 407)
- HB 694-FN**, relative to dogs and cats. (McCann of Hil. 31 - To Public Protection and Veteran Affairs)
110, K 414
- HB 695-FN**, requiring cash refunds for returns of merchandise. (Beaupre of Hil. 42 - To Commerce, Small Business and Consumer Affairs)
110, K 471
- HB 696-FN**, to define public safety hazardous duty employees for New Hampshire retirement system purposes. (Hawkins of Bel. 5 - To Executive Departments and Administration)
110, Com 541, 1198
- HB 697-FN**, establishing an information registry relative to head injuries. (Olimpio of Car. 7; Sen. Krasker - To Health, Human Services and Elderly Affairs)
110, K 479-480
- HB 698**, relative to insurance coverage for chiropratic. (Welch of Rock. 10 et al - To Commerce, Small Business and Consumer Affairs)
110, K 558
- HB 699-FN**, prohibiting the possession of firearms by career criminals and imposing a minimum mandatory sentence. (Pepino of Hil. 37 - To Judiciary)
110, am 543-544, psd 596, S conc 910, enr am 1051, enr 1110 (Chapter 295)
- HB 700-FN**, changing the penalty for felonious use of firearms. (Pepino of Hil. 37 - To Judiciary)
110, Com 572, 1198
- HB 701**, relative to the Ashuelot Valley refuse disposal district. (Spear of Ches. 13 et al - To Environment and Agriculture)
110, K 652
- HB 702-FN**, authorizing voter registration at driver's license examination facilities and at motor vehicle registration locations. (Arnesen of Graf. 7 - To Constitutional and Statutory Revision)
110, K 446-447
- HB 703**, relative to personal watercraft. (Green of Hil. 36 - To Transportation)
110, K 681
- HB 704-FN**, relative to the disclosure of potential conflicts of interest by elected state officials and establishing a state ethics office. (McGovern of Rock. 27 et al - To Legislative Administration)
110, K 355-356
- HB 705-FN**, relative to drug-free school zones and increasing penalties for drug offenses. (Hawkins of Bel. 5 - To Children, Youth and Juvenile Justice)
110, Com 530, 1198

- HB 706-FN**, relative to eliminating PUC jurisdiction over contracts between municipalities and other entities. (Pearson of Bel. 5 et al - To Science, Technology and Energy)
110, K 487
- HB 707-FN**, relative to safety restraint systems in passenger cars. (Arnesen of Graf. 7 et al - To Health, Human Services and Elderly Affairs)
110, K (RC) 565-568
- HB 708**, relative to the Free Trade Agreement between the United States and Canada. (Hawkins of Bel. 5 - To State-Federal Relations)
110, am 433, psd 464, conc S am 912, enr 1027 (Chapter 180)
- HB 709**, relative to use of recording devices by plaintiffs and defendants. (Ouellette of Hil. 48 - To Judiciary)
110, am 544, psd 596, S study 1199
- HB 710**, regulating the use of social security numbers by the department of safety. (Kurk of Hil. 3 et al - To Transportation)
110, am 639, psd 686, nonconc S am, conf 1055, 1071, rep adop 1140, 1160, enr 1182 (Chapter 349)
- HB 711-FN**, relative to auditing the accounts of joint solid waste disposal and resource recovery facilities established under the authority of the interstate solid waste compact. (Harland of Sul. 8 - To Municipal and County Government)
111, K 634
- HB 712**, relative to the relationship of the fish and game commission and the executive director of the fish and game department. (Boucher of Rock. 23 - To Fish and Game)
112, K 321
- HB 713-FN**, relative to establishment of mutual insurance companies by municipalities. (Jacobson of Mer. 2 - To Commerce, Small Business and Consumer Affairs)
112, K 610
- HB 714-FN**, relative to non-driver's picture identification cards. (McCann of Hil. 31 et al - To Public Protection and Veterans Affairs)
113, K 219
- HB 715**, relative to a capital improvement plan; the capital budget; and a debt management plan. (Pearson of Bel. 5 et al - To Public Works)
113, Approp 483-484, psd 785, 826, S study 1199
- HB 716**, to codify certain boating and water safety rules. (Maviglio of Bel. 1 et al - To Transportation)
113, Com 681, 1198
- HB 717**, relative to parenting plans. (Pantelakos of Rock. 24; Palazzo of Rock. 16 - To Children, Youth and Juvenile Justice)
113, K 530
- HB 718**, relative to sewer districts. (Smith of Hil. 21 - To Municipal and County Government)
113, rem 524, K 591
- HB 719-FN**, relative to a minimum service retirement allowance for group II members. (Gage of Rock. 20 - To Executive Departments and Administration)
113, Com 321, 1198
- HB 720-FN**, relative to school district special meetings. (Wheeler of Hil. 10 et al - To Education)
113, K 563
- HB 721-FN**, relative to allowing the city of Portsmouth to adopt an ordinance prohibiting hunting. (Chase of Rock. 28 - To Fish and Game)
113, K 321
- HB 722-FN**, regarding solid waste management districts. (Millard of Mer. 4 et al - To Environment and Agriculture)
113, am 652-654, psd 686, conc S am 1050, enr am 1163-1164, enr 1182 (Chapter 418)
- HB 723-FN**, regarding the acid rain control act. (Millard of Mer. 4 - To Environment and Agriculture)
113, Com 620, 1198
- HB 724**, allowing a liquor store in Charlestown. (Domini of Sul. 5 et al - To Regulated Revenues)
113, K 584
- HB 725-FN**, relative to the highway fund. (Marsh of Coos 1 et al - To Public Works)
113, Approp 325, Com 748, 1198

- HB 726**, relative to bylaws which regulate electioneering. (Gage of Rock. 13 et al - To Constitutional and Statutory Revision)
113, am 558-559, psd 596, S conc 1048, enr 1082 (Chapter 272)
- HB 727**, relative to municipal rent control in manufactured housing parks. (Pierce of Ches. 17 - To State Institutions and Housing)
113, K 518
- HB 728**, relative to water conservation plumbing fixtures. (Eno of Graf. 6 et al - To Resources, Recreation and Development)
113, am 485-486, psd 521, S nonconc 859
- HB 729-FN**, requiring labeling of solid waste collection containers by commercial waste haulers. (Kuchinski of Hil. 28 - To Environment and Agriculture)
New title: requiring labeling of solid and hazardous waste collection containers.
113, am 294-295, psd 311, conc S am 718, enr 857 (Chapter 96)
- HB 730-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Lown of Hil. 9 et al - To Municipal and County Government)
113, Com 548, 1198
- HB 731**, dedicating the state police barracks in Milford to Major John T. Conti. (Prestipino of Hil. 10 et al - To Public Works)
113, Com 278, 1198
- HB 732**, relative to family and catastrophic medical leave standards. (Barry of Hil. 10 et al - To Commerce, Small Business and Consumer Affairs)
113, com changed 178, Com 660, 1198
- HB 733-FN**, relative to solid waste reduction. (Arnesen of Graf. 7 et al - To Environment and Agriculture)
114, K 620
- HB 734-FN**, creating a solid waste landfill reduction and cleanup program. (Parks of Str. 6 et al - To Environment and Agriculture)
114, Com 563-564, 1198
- HB 735-FN**, establishing a study committee to examine school administration and certain school curricula. (Jacobson of Mer. 2 - To Education)
114, K, recon & K 563
- HB 736**, relative to a local option for incinerator siting. (Tufts of Rock. 13 - To Environment and Agriculture)
114, K 295
- HB 737-FN**, amending the joint state-capitol city planning commission. (Hager of Mer. 21 - To Legislative Administration)
114, am 572-573, psd 596, S conc 985, enr am 1051-1052, enr 1110, appointments 1206 (Chapter 296)
- HB 738-FN**, relative to hearings under the bail laws. (Stamatakis of Sul. 4 - To Judiciary)
New title: relative to bail.
114, am 623-625, psd 686 (K)
- HB 739-FN**, to create an island real estate property tax exemption. (Foster of Ches. 17; Guest of Graf. 12 - To Municipal and County Government)
114, K 412
- HB 740-FN**, prohibiting hazing. (Lachance of Str. 3 - To Judiciary)
114, K 301
- HB 741-FN**, relative to the debt owed the state by the workers involved in the Simplex labor dispute. (Weddle of Rock. 24 et al - To Labor, Industrial and Rehabilitative Services)
114, K 355
- HB 742-FN**, relative to retirement benefits for legislative staff and constitutional officers. (Hawkins of Bel. 5 et al - To Legislative Administration)
114, K 545
- HB 743-FN**, relative to reconstruction of buildings destroyed by arson. (Weddle of Rock. 24 - To Municipal and County Government)
114, K 548
- HB 744-FN**, establishing a road pay back fee system. (Smith of Hil. 21 - To Municipal and County Government)
114, K 634

- HB 745-FN**, relative to the hazardous material transportation advisory board. (Weddle of Rock. 24 et al - To Environment and Agriculture)
114, Com 295, 1198
- HB 746-FN**, regarding waste reduction and recycling and imposing a disposal fee on certain containers and products. (Merrill of Str. 4 et al - To Environment and Agriculture)
114, Com 620, 1198
- HB 747-FN**, relative to a returnable beverage container system. (Cox of Hil. 18; Wright of Hil. 18 - To Environment and Agriculture)
114, K 620
- HB 748**, relative to anatomical gifts accepted by medical or dental schools. (Chambers of Graf. 12; Palumbo of Rock. 10 - To Health, Human Services and Elderly Affairs)
114, am 480, psd 521, S conc 910, enr 1027 (Chapter 181)
- HB 749-FN**, relative to the sale of fireworks and levying a tax thereon. (Palumbo of Rock. 10 et al - To Ways and Means)
114, K 714
- HB 750-FN**, establishing a redevelopment commission relative to Pease Air Force Base. (Palumbo of Rock. 10 et al - To Legislative Administration)
New title: establishing a redevelopment commission relative to Pease Air Force Base and making an appropriation therefor.
114, rules suspended, am & psd 375-379, S conc & enr 464, appointments 1206 (Chapter 3)
- HB 751**, relative to state-issued bonds sold at discount. (Skinner of Rock. 21; Palumbo of Rock. 10. - To Public Works)
114, psd 224, 248, S conc 859, enr 1027 (Chapter 182)
- HB 752-FN**, relative to domestic violence. (Spear of Ches. 13 et al - To Judiciary)
115, am 625-629, psd 686, S conc 985, enr am 1052, enr 1110 (Chapter 297)
- HB 753-FN**, relative to logging laws and forest resources. (Ward of Graf. 1 - To Resources, Recreation and Development)
115, K 433
- HB 754**, relative to the offering of energy services by electric utilities. (Hall of Mer. 7 - To Science, Technology and Energy)
115, K 487
- HB 755-FN**, regarding shoreland protection. (Phelps of Mer. 1 - To Resources, Recreation and Development)
New title: establishing a committee to study shoreline protection.
131, am 508-509, psd 522, S conc 985, enr am 1052, enr 1110, appointments 1206-1207 (Chapter 298)
- HB 756-FN**, relative to a housing appeals board and making an appropriation therefor. (Palumbo of Rock. 10 - To Municipal and County Government)
131, Com 548, 1198
- HB 757**, relative to wages during holiday weeks. (Pierce of Ches. 17 - To Labor, Industrial and Rehabilitative Services)
131, K 545
- HB 758-FN**, relative to impact fees. (Phelps of Mer. 1 - To Municipal and County Government)
New title: to establish an impact fee study committee.
131, am (RC) 665-676, psd 686, conc S am 911, enr 1069, appointments 1207 (Chapter 202)
- HB 759-FN**, relative to electronic surveillance in drug investigations; bail for drug offenders; telephonic search warrants; and deposition and discovery. (Palumbo of Rock. 10 - To Judiciary)
131, Com 545, 1198
- HB 760**, relative to approval of rezoning plans by property owners. (Jones of Hil. 20 - To Municipal and County Government)
131, K 548
- HB 761-FN**, relative to the salaries of certain county officers. (Palumbo of Rock. 10 et al - To Municipal and County Government)
131, K 548
- HB 762-A**, making supplemental appropriations for fiscal year 1989. (Kidder of Mer. 2 - To Appropriations)
203, am (RC) 436-441, psd 464, nonconc S am, conf 754, 759, rep adop 855, enr 867 (Chapter 77)

- HB 763**, authorizing the Salem school district to establish a debt retirement fund. (Campbell of Rock. 20 - To Education)
New title: authorizing the Salem and Derry school districts to establish a debt retirement fund. 249, am 610-611, psd 686, S conc 985, enr 1069 (Chapter 203)
- HB 764-FN-A**, relative to state revenues and appropriations. (Kidder of Mer. 2 - To Appropriations) 393, am 785-803, psd 826, nonconc S am, conf 1035, 1054, rep adop 1140, 1160, enr am 1172-1175, enr 1183, message from governor 1185, appointments 1207, 1210 (Chapter 408)
- HB 765-FN**, authorizing the Belknap recreational area to borrow in anticipation of revenues. (Hawkins of Bel. 5)
 rules suspended, intro & psd 595-596, S conc 691, enr 687 (Chapter 4)
- HB 766-FN-A**, making a supplemental appropriation for flood control and relative to the calculation of flood control reimbursements. (Phelps of Mer. 1 et al - To Appropriations) 907, rules suspended 979, rem 991, psd 1017-1019, 1026, nonconc S am, conf 1035, 1054, 1072, rep adop 1140, 1160, enr 1182 (Chapter 350)
- HB 767-FN-A**, relative to state employee salaries and making an appropriation therefor. (Palumbo of Rock. 10 et al - To Joint Committee on Employment Relations)
 rules suspended, intro & psd 1187-1188, 1189, S conc 1195, enr 1194 (Chapter 419)
- HB 768**, relative to the recodification of certain water laws. (Blanchard of Rock. 26 et al - To Resources, Recreation and Development)
 rules suspended, intro & psd 1188, 1189, S conc 1195, enr 1194 (Chapter 420)
- HB 769-FN**, relative to an appropriation for a comprehensive drug and alcohol abuse treatment program within the department of corrections. (Hollingsworth of Rock. 17; Gross of Mer. 16 - To Appropriations)
 rules suspended, intor & psd 1188-1189, S conc 1195, enr 1194 (Chapter 421)
- HB 770-776**, not introduced
- HB 777-A**, appropriating funds for additional basic needs for the fiscal years ending June 30, 1990, and June 30, 1991. (Kidder of Mer. 2 - To Appropriations) 393, rules suspended 803, K 804

HOUSE CONCURRENT RESOLUTIONS

- HCR 1**, resolution of support for northeastern regional cooperation in solid waste reduction, recycling and disposal. (Millard of Mer. 4 - To Environment and Agriculture) 51, adop 186, 200, S conc 466
- HCR 2**, declaring a New Hampshire Scottish Heritage Week. (Avery of Ches. 5 et al - To State-Federal Relations) 51, adop 433, 464, S conc 763
- HCR 3**, petitioning the United States Congress for a national recycling policy. (Millard of Mer. 4 - To State-Federal Relations) 108, adop 434, 464, S conc 828
- HCR 4**, relative to a free and independent Palestinian state. (Oleson of Coos 7 - To State-Federal Regulations) 108, K 302
- HCR 5**, encouraging business and industries in New Hampshire to offer "good student" discounts. (Palumbo of Rock. 10 - To Education) 115, adop 401, 463, S conc 763
- HCR 6**, inviting Chief Justice Brock to address a joint convention on the state of the judiciary. (Scamman of Rock. 19; Sen. Bartlett - To Legislative Administration) 131, rules suspended & adop 133-134, 160 (S adop)
- HCR 7**, to adopt joint rules for the 1989 session. (Scamman of Rock. 19)
 intro, am & adop (RC) 379-385, 392, conc S am 691

HOUSE BILLS OF INTENT

- HBI 2001**, relating to mandatory prison sentences for certain felons. (Gilbreth of Mer. 12 - To Judiciary) 33, K 122
- HBI 2002**, relating to alcohol education programs for DWI offenders. (Lozeau of Hil. 25 - To Health, Human Services and Elderly Affairs) 108, Com 480, 1198

HOUSE RESOLUTIONS

- HR 1**, to adopt the rules of the 1988 session. (Burns of Coos 5; Chambers of Graf. 12)
intro & adop 13
- HR 2**, appoint a committee of three to assign seats. (Greene of Rock. 18; Densmore of Graf. 3)
intro & adop 13
- HR 3**, chaplain committee. (Sallada of Hil. 4; Matson of Ches. 7)
intro & adop 13-14
- HR 4**, relative to taping of all sessions of the House. (Pierce of Ches. 17; Maviglio of Bel. 1)
intro & adop 14
- HR 5**, the House Clerk's staff. (Morse of Ches. 2; Lamar of Ches. 16)
intro & adop 14
- HR 6**, the Sergeant-at-Arms staff. (Stewart of Graf. 4; Kilbride of Coos 8)
intro & adop 14
- HR 7**, distribution of House Journals, bills and joint resolutions. (Mason of Hil. 8; Hall of Hil. 16)
intro & adop 14
- HR 8**, cancellation of session due to weather. (Cooke of Rock. 20; Baldizar of Hil. 22)
intro & adop 15
- HR 9**, salary schedule and mileage to members. (Musler of Str. 3; Hynes of Rock. 28)
intro & adop 15
- HR 10**, honoring former Representative Joseph M. Eaton of Hillsborough. (Scamman of Rock. 19)
intro & adop 8
- HR 11**, memorializing former State Representative Benjamin C. Newell of Derry. (Derry Delegation)
intro & adop 37-38
- HR 12**, memorializing State Representative Guy R. Granger, Jr. of Merrimack. (Scamman of Rock. 19)
intro & adop 53-54
- HR 13**, adopting amendments to the House Rules as proposed by the Rules Committee and fixing January 31, 1989, as the date through which House Rules may be amended by majority vote. (Palumbo of Rock. 10; Chambers of Graf. 12)
intro & adop 37
- HR 14**, honoring student-athlete Mark Tremblay of Newport, New Hampshire. (Blacketor of Ches. 12 et al)
intro & adop 65-66
- HR 15**, calling for certain measures to be taken by the executive branch of state government unless and until certain conditions are met by the Public Service Company of New Hampshire. (Chambers of Graf. 12 et al - To Legislative Administration)
115, K (RC) 660-664
- HR 16**, honoring the Business and Industry Association of New Hampshire. (Chambers of Graf. 12; Palumbo of Rock. 10)
intro & adop 160
- HR 17**, memorializing former United States Senator Norris Cotton. (Scamman of Rock. 19)
intro & adop 249
- HR 18**, commending the girls' varsity basketball team of Mascoma Regional High School. (Christy of Graf. 11 et al)
intro & adop 689
- HR 19**, commending the boys' varsity basketball team of Mascoma Regional High School. (Christy of Graf. 11 et al)
intro & adop 689-690
- HR 20**, commending the girls' varsity basketball team of Nashua High School. (Guilbert of Hil. 24)
intro & adop 690-691
- HR 21**, commending the boys' varsity basketball team of Manchester Central High School. (Pappas of Hil. 37)
intro & adop 691
- HR 22**, memorializing State Representative Clyde S. Eaton of Greenville. (Scamman of Rock. 19)
intro & adop 715-716

- HR 23**, memorializing former State Representative Geraldine G. Watson of Merrimack. (Scamman of Rock. 19)
intro & adop 715
- HR 24**, requesting an opinion of the justices concerning the constitutionality of HB 412-FN-A. (Kirk of Hil. 3)
intro & adop 824-825, S Ct opin printed 1076-1078
- HR 25**, honoring the Merrimack High School Varsity Coed Cheerleading team. (Scamman of Rock. 19)
intro & adop 908-909
- HR 26**, honoring the Alvirne High School Granite State Challenge championship team. (Alukonis of Hil. 19 et al)
intro & adop 984
- HR 27**, honoring Representative Russell C. Chase of Wolfeboro. (Scamman of Rock. 19)
intro & adop 1016-1017
- HR 28**, memorializing State Representative Mark E. Manus of Concord. (West of Mer. 21)
intro & adop 1081-1082
- HR 29**, honoring Representative Paul I. LaMott of Haverhill. (Kidder of Mer. 2 et al)
intro & adop 1153-1154
- HR 30**, commending the boys' varsity soccer team of Nashua High School. (Guilbert of Hil. 24)
intro & adop 1154
- HR 31**, urging Congress to enact remedial legislation against flag desecration. (Pepino of Hil. 37 et al - To State-Federal Relations)
rules suspended, intro & adop (RC) 1189-1192

SENATE BILLS

- SB 1-FN-A**, making an appropriation to the liquor commission for air conditioning.
249, K 744
- SB 3-FN**, relative to child passenger restraints in motor vehicles.
255, rem 924, K 977
- SB 4-A**, making supplemental appropriations for fiscal year 1989.
117, rules suspended, 129, am & psd 163-176, S nonconc, conf 177 (IP)
- SB 5**, permitting a corporation to limit the liability of its directors and officers in its articles of incorporation.
255, am (RC) 1011-1016, psd 1026, S conc 1066, enr 1110 (Chapter 275)
- SB 6**, extending the statute of limitations for certain fish and game offenses.
249, psd 739, 760, enr 857 (Chapter 97)
- SB 7**, limiting the horsepower of motors on Christine Lake in the town of Stark.
249, am 936-937, psd 981, S conc 1048, enr am 1168, enr 1184 (Chapter 351)
- SB 8**, relative to workers' compensation coverage of firemen.
255, psd 879, 906, enr 1069 (Chapter 204)
- SB 9**, to clarify how to designate highways to summer cottages.
249, am 932-933, psd 981, S conc 1048, enr am 1102, enr 1180 (Chapter 299)
- SB 10**, repealing a chapter on floating timber and damage therefrom.
New title: relative to floating timber.
250, am 881-882, psd 906, S nonconc, conf 1028, rep adop 1102-1103, 1157, enr 1181, (Chapter 352)
- SB 12**, relative to the Uniform Gifts to Minors law.
250, psd 771, 826, enr 857 (Chapter 98)
- SB 13**, relative to the definition of legislative and governing bodies of municipalities.
250, am 879-880, psd 906, S conc 910, enr 1069 (Chapter 205)
- SB 14**, relative to alcohol concentration tests for driving while intoxicated and other offenses.
255, am 740-743, psd 760, S conc 1031, enr am 1074, enr 1181 (Chapter 353)
- SB 15-FN**, relative to New Hampshire hospital reimbursements for certain observations.
255, psd 835, 855, enr 1027 (Chapter 125)
- SB 16**, relative to post-termination commissions paid to sales representatives.
250, am 925-926, psd 981, S conc 1048, enr 1082 (Chapter 244)

- SB 17**, allowing the wetlands board authority to issue cessation orders pending a hearing.
255, psd 744, 760, enr 857 (Chapter 99)
- SB 18**, relative to forest and brush fires and enforcement powers of the division of forests and lands.
250, psd 842, 855, enr am 985, enr 1069 (Chapter 214)
- SB 19**, establishing a joint legislative oversight committee on highway and bridge construction and reconstruction plans.
250, am 839, psd 855, S conc 868, enr 942, S sustained veto 1157
- SB 20**, relative to the method of taking deer in the city of Dover.
250, LT 847, IP 1192
- SB 21-FN**, establishing authority for revolving funds for publications and training in the office of state planning.
255, am & Approp 871-872, rules suspended 905-906, psd 991-992, 1025, S conc 1048, enr 1082 (Chapter 245)
- SB 22**, relative to certain forestry activities in wetlands.
255, am 842-843, psd 855, S conc 1031, enr 1070 (Chapter 215)
- SB 23**, relative to the executive director of the liquor commission.
465, rem 870, am & Approp 904-905, rem 991, rcmt 1019-1020, psd 1036, 1044, S conc 1072, enr 1083 (Chapter 246)
- SB 24**, relative to liquor store displays and promotions.
465, am 934-935, psd 981, S nonconc, conf 1057, rep adop 1103, 1157, enr 1181 (Chapter 354)
- SB 27**, relative to the liability of landowners for pollutant clean-up.
New title: relative to the liability of landowners for hazardous waste cleanup.
255, am 957-958, psd 981, S nonconc, conf 1057, rep adop 1104, 1158, enr 1181 (Chapter 355)
- SB 29-FN**, relative to nonabandonment of dedicated streets.
250, psd 838, 855, enr 942 (Chapter 131)
- SB 30-FN**, establishing a committee to study all aspects of the effect on consumers of emerging changes in the financial services industry.
250, psd 926, 981, enr 1070, appointments 1207-1208 (Chapter 206)
- SB 31**, relative to renovation of the Rochester post office as a district court facility.
250, Approp 773, psd 992, 1025, enr 1069 (Chapter 216)
- SB 32-FN**, relative to drug offenses.
250, psd 928, 981, enr 1070 (Chapter 207)
- SB 33-A**, relative to construction on the Spaulding turnpike and making an appropriation therefor.
New title: relative to a study for siting an interchange on the Spaulding Turnpike and making an appropriation therefor.
250, Approp 808, am 1001-1003, psd 1025, S nonconc, conf 1066, rep adop 1104, 1158, enr 1182 (Chapter 356)
- SB 34**, nullifying the sunset termination of the port authority scheduled for July 1, 1989.
255, psd 771, 826, enr 857 (Chapter 100)
- SB 36-FN-A**, relative to catastrophic costs and school building aid.
New title: relative to the pro rata appropriation of catastrophic special education aid, school building aid, and submitting municipal financial reports to the commissioner of education.
250, am & Approp 804-807, am 1003-1005, psd 1025, S conc 1066, enr 1182 (Chapter 357)
- SB 38-FN**, relative to fireworks.
256, am 849-855, psd 856, S conc 1031, enr 1070 (Chapter 217)
- SB 39**, establishing a speed limit for power boats on Spofford Lake.
250, psd 937, 981, enr am 1168, enr 1182 (Chapter 358)
- SB 40**, requiring the department of safety to post headway speed limits on the Connecticut River.
250, psd 937, 981, enr am 1167-1168, enr 1182 (Chapter 359)
- SB 41**, repealing an exemption from real estate licensing for sale of manufactured housing by manufactured housing park owners.
S study 1199
- SB 42**, relative to the personnel appeals board.
S study 1199
- SB 43-FN**, relative to licensing engineers, architects, and land surveyors.
256, am 872, psd 906, S conc 1048, enr 1083 (Chapter 247)

- SB 44-FN**, requiring the superior court to adjudicate paternity in certain contested cases.
250, am 928, psd 981, S conc 1048, enr 1082 (Chapter 248)
- SB 45-FN**, relative to child support enforcement.
944, rules suspended 979, 1075, psd 1075, 1101, enr am 1154-1155, enr 1181 (Chapter 360)
- SB 46-FN**, relative to wage withholding for child support.
256, psd 833, 855, enr 1027 (Chapter 126)
- SB 47**, authorizing a day for fishing without a license.
250, am 773, psd 826, S conc 868, enr 857 (Chapter 101)
- SB 48-FN**, authorizing the sale of a certain parcel of state land to a water district.
256, psd 739, 760, enr 857 (Chapter 102)
- SB 49-FN-A**, requiring the department of education to develop a questionnaire to be included in its statewide secondary testing program.
250, psd 807, 826, enr am 869, enr 1027 (Chapter 127)
- SB 50**, relative to measuring liquid hazardous waste.
256, am 937, psd 981, S conc 1053, enr 1180 (Chapter 300)
- SB 51-FN**, relative to the Christa McAuliffe planetarium.
250, am & Approp 771-772, am 992, psd 1025, S nonconc, conf 1056, rep adop 1104-1105, 1158, enr 1184 (Chapter 362)
- SB 52**, relative to drug paraphernalia.
256, am 958-960, psd 981, S nonconc, conf 1057, 1072, rep adop 1105, 1158, enr 1181 (Chapter 361)
- SB 53-FN**, relative to assessing time share interests.
250, am 849, psd 855, S conc 907, enr 1027 (Chapter 128)
- SB 54-FN**, conditionally extending the date for raising of funds by the trust fund for the prevention of child abuse and neglect.
250, am 833-834, psd 855, S conc 907, enr 1027 (Chapter 129)
- SB 55**, relative to the children's trust fund for the prevention of child abuse and neglect.
250, psd 834, 855, enr 942 (Chapter 132)
- SB 56-FN**, relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations.
New title: relative to the disposition of fines and forfeitures collected for violations of municipal ordinances, codes, and regulations; increasing the penalty for reckless driving; and relative to driver's license fees.
256, am & Approp 960-962, rules suspended 979, am 992-993, psd 1025, S conc 1053, enr am 1166, enr 1183 (Chapter 410)
- SB 57-FN**, relative to mandatory waste reduction and recycling for state agencies.
256, am & Approp 835, rules suspended & Com 1005, rules suspended S 1024, Com 1198
- SB 58-A**, appropriating funds to reimburse the highway surplus account used for rehabilitation of the Cornish-Windsor bridge.
250, Approp 773, am 993-994, psd 1025, nonconc conf req 1054
- SB 60**, relating to recording dock permits.
250, am 843-844, psd 855, S conc 1048, enr am 1052, enr 1083 (Chapter 249)
- SB 61-FN-A**, relative to preserving the old state house and making an appropriation therefor.
250, Approp 808, am 994, psd 1025, S conc 1066, enr 1110 (Chapter 276)
- SB 63-FN**, relative to enforcement of child medical support.
256, psd 834, 855, enr 907 (Chapter 121)
- SB 64-FN**, relative to asbestos management penalties.
256, rem 870, am 904, psd 906, S conc 910, enr am 1052-1053, enr 1083 (Chapter 250)
- SB 65-FN**, establishing a committee to study mental health insurance benefits.
250, am 926, psd 981, S nonconc, conf 1056 (K)
- SB 66**, relative to regulation of transporters of solid waste.
256, am 948-949, psd 981, S nonconc, conf 1056 (K)
- SB 67-FN**, relative to regulation of excavation of sand, gravel, and construction aggregate.
203, am (RC) 949-955, psd 981, S nonconc, conf 1026, SO 1043, rep rej (2 RC's) 1059-1066, conf changes 1101, rep adop (RC) 1105-1110, 1158, enr 1184 (Chapter 363)

- SB 69-FN**, establishing the home mortgage guarantee authority.
New title: establishing a study committee relative to a home mortgage guarantee authority.
 251, am 884-885, psd 906, S nonconc, conf 1028, rep adop 1111, 1158, enr 1184, appointments 1208 (Chapter 364)
- SB 70-FN-A**, establishing a pilot program to test the application of the office of state planning's GRANIT system
New title: relative to the technical assistance provided to municipalities by the office of state planning.
 256, am 838-839, psd 855, S nonconc, conf 912, rep adop 1111, 1158, enr 1181 (Chapter 366)
- SB 71**, authorizing the removal of a boat and mooring under certain circumstances.
New title: authorizing the removal of a boat and mooring under certain circumstances and establishing a study committee on the boat registration fee structure and valuation of boats for registration.
 251, rem 924, am 977-979, psd 982, S nonconc, conf 1058, 1101, rep adop 1111-1112, 1158, enr 1183, appointments 1208 (Chapter 368)
- SB 73-FN**, establishing a committee to study taxing all tobacco products.
 251, am 881, psd 906, S nonconc, conf 1057, 1101, rep adop, 1112-1113, 1158, enr 1181, appointments 1208 (Chapter 369)
- SB 76**, establishing a committee to study durable powers of attorney for health care.
 251, am 962-970, psd 982, S nonconc, conf 1057, rep adop 1113-1114, 1158 (K)
- SB 77-FN**, relative to holiday pay for certain part-time employees.
 251, Approp 772-773, am 994-995, psd 1025, S nonconc, conf 1066, rep adop 1114, 1158, enr 1181 (Chapter 370)
- SB 78-FN-A**, making appropriations to the WIC program.
 256, Approp 844, K 995
- SB 79-FN**, relative to state employee bargaining rights.
 251, K (RC) 860-864
- SB 81-FN**, relative to the management of court facilities.
New title: relative to the management of court facilities and making an appropriation therefor.
 256, am & Approp 886-887, rules suspended 905-906, am 1006, psd 1025, S nonconc, conf 1067, rep adop 1114-1115, 1158, enr 1181 (Chapter 371)
- SB 82-FN**, relative to judicial retirement pay and to vested rights in judicial retirement compensation.
First new title: relative to judicial salaries and judges' contributions for retirement.
Second new title: establishing a study committee on judicial retirement vesting rights and retirement contributions.
 256, rem 991, am 1020, psd 1026, S nonconc, conf 1067, rep adop 1115-1116, 1158, enr am 1164, enr 1181, appointments 1208-1209 (Chapter 372)
- SB 84**, to require drivers on motorcycles to wear eye and face protection
 251, psd 937, 981, enr 1069 (Chapter 208)
- SB 86**, prohibiting power boats and ski craft on Wilson Lake.
New title: prohibiting petroleum powered boats on Wilson Lake.
 251, am 938, psd 981, S conc 1053, enr am 1167, enr 1183 (Chapter 373)
- SB 87-FN**, relative to exposure by firefighters, emergency medical care providers and police officers to infectious disease.
 256, am 956-957, psd 981, S nonconc, conf 1056, rep adop 1116-1119, 1158, enr 1184 (Chapter 374)
- SB 88-FN**, providing a cost of living adjustment for certain group I members.
New title: providing a cost of living adjustment for certain group I members and relative to the method for granting supplemental allowances to New Hampshire retirement system members.
 251, am & Approp 872-874, rules suspended 905-906, psd 995, 1025, S nonconc, conf 1067, rep adop 1119-1120, 1158, enr am 1179, enr 1183, (Chapter 375)
- SB 89-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and relative to defining "retired state employee" for state employees group insurance purposes.
First new title: providing a 5 percent cost of living adjustment for group I retirement system members and establishing a committee to study insurance and medical benefits for retired state employees.
Second new title: providing a 5 percent cost of living adjustment for group I retirement system members, establishing a committee to study insurance and medical benefits for retired state employees, relative to retirement benefits for widows of superior court justices and making an appropriation therefor, and relative to medical benefits for retired state employees.
 256, am & Approp 874-876, rules suspended 905-906, am 1009-1010, psd 1025, S nonconc, conf 1067, rep adop 1120-1121, 1158, enr 1181, appointments 1209 (Chapter 376)

- SB 90-FN**, providing a 4 percent cost of living adjustment for group II members.
New title: providing a cost of living adjustment for group II members.
 256, am & Approp 876-877, am 995-996, psd 1025, S nonconc, conf 1067, rep adop 1121-1122, 1158, enr 1181 (Chapter 377)
- SB 91-FN**, providing a 20 percent cost of living adjustment for teachers retired prior to July 1957.
New title: providing a 20 percent cost of living adjustment for teachers retired prior to July 1, 1957, and relative to retirement benefits for combined state and university system service.
 256, am & Approp 877-878, rules suspended 905-906, psd 996, 1025, S nonconc, conf 1072, rep adop 1122, 1158, enr 1184 (Chapter 378)
- SB 93-FN**, relative to the number of primary ballots to be used for computerized voting machines.
 251, psd 834, 855, enr 942 (Chapter 133)
- SB 94-FN**, authorizing the sale of liquor and beverages in additional areas under a liquor license.
 251, am 935-936, psd 981, S nonconc, conf 1057-1058, 1072, rep adop 1122, 1158, enr 1183 (Chapter 379)
- SB 95-FN**, establishing a minimum fine for violating the boat decibel limits.
 256, psd 938, 981, enr 1069 (Chapter 209)
- SB 96-A**, relative to the Portsmouth district court and making an appropriation therefor.
 251, Approp 484, psd 996, 1025, enr 1070 (Chapter 218)
- SB 97-FN**, relative to the distribution of drug forfeiture money.
New title: relative to the distribution of drug forfeiture money and appropriating funds to be transferred from the office of alcohol and drug abuse prevention to the department of corrections for a comprehensive drug and alcohol abuse treatment program.
 256, am & Approp 928-929, rules suspended 979, psd 996, 1025, S nonconc, conf 1057, rep adop 1122-1123, 1158, enr am 1179, enr 1183 (Chapter 380)
- SB 98**, relative to the application of planning and zoning regulations to land affected by more than one municipality.
 251, am 933-934, psd 981, S nonconc, conf 1057, rep adop 1123-1124, 1158, enr am 1168, enr 1182 (Chapter 381)
- SB 99-FN**, supplementing the funding for programs which assist victims of domestic violence.
 256, com changed 693, rem 870, Approp 904, rem 991, am 1020-1021, psd 1026, S conc 1053, enr 1110 (Chapter 277)
- SB 100-FN**, relative to pari-mutuel racing.
 251, Approp 864-865, rules suspended 866, psd 996-997, 1025, enr 1070 (Chapter 219)
- SB 104**, relative to land acquisition for the construction of a ramp on Route 3 at the Massachusetts border.
 251, psd 773, 826, enr 907 (Chapter 122)
- SB 105-FN-A**, making an appropriation for improving electrical service at Weeks state park in Lancaster.
 251, Approp 773, am 997, psd 1025, S nonconc, conf 1056, 1072, rep adop 1124-1125, 1158, enr 1181 (Chapter 382)
- SB 106-FN**, relative to increasing driver's license fees and relative to issuing temporary driver's licenses to new residents and making an appropriation therefor.
New title: relative to issuing temporary driver's licenses to new residents and authorizing additional positions for the department of safety and making an appropriation therefor.
 251, am & Approp 883-884, am 1006-1007, psd 1025, S nonconc, conf 1068, rep adop 1125, 1158, enr 1181 (Chapter 384)
- SB 107**, relative to the right to know law.
 256, am 739-740, psd 760, S conc 1048, enr 1082 (Chapter 274)
- SB 108-FN**, relative to Skyhaven airport in Rochester.
 687, am 839-840, psd 855, S nonconc, conf 870, rep adop 1125-1126, 1158, enr 1181, appointments 1209 (Chapter 383)
- SB 109-FN-A**, establishing a pilot reading recovery program and making an appropriation therefor.
New title: establishing a pilot reading recovery program and relative to the state board of education.
 251, am & Approp 886, am 1007-1008, psd 1026, S conc 1141, enr 1180 (Chapter 301)
- SB 110**, relative to joint and several liability and to pollution liability.
 256, am (RC) 970-974, psd 982, S conc 1048, enr 1111 (Chapter 278)
- SB 111**, relative to the operation of ski craft.
 251, am 975-977, psd 982, S nonconc, conf 1067, 1101, rep adop 1126-1127, 1158, enr am 1168, enr 1184, message from governor 1185-1186 (Chapter 409)

- SB 112.** establishing a study committee to examine corporal punishment in and the regulation of child care agencies and schools.
256, K 948
- SB 113-FN-A.** relative to medicaid coverage of dental benefits for all categorically eligible recipients and making an appropriation therefor.
New title: establishing a study committee to examine medicaid coverage of dental benefits for all categorically eligible recipients.
256, am 887-888, psd 906, S nonconc, conf 1056, rep adop 1127-1128, 1158, enr 1181, appointments 1209 (Chapter 393)
- SB 114.** relative to speed limits on certain roads.
251, K 938
- SB 115-FN.** establishing a committee to study private sector involvement in public education.
251, K 847
- SB 118-FN.** relative to private rights-of-way and class VI highways.
251, psd 839, 855, enr 942 (Chapter 134)
- SB 119.** relative to the boundaries of ward 2 in the city of Portsmouth.
251, psd 834, 855, enr am 944, enr 1070 (Chapter 210)
- SB 120-FN.** relative to acute care.
257, am 847-848, psd 855, S conc 868, enr 1027 (Chapter 130)
- SB 121.** establishing the Pittsfield regional solid waste cooperative.
257, K 886
- SB 122-FN.** relative to member retirement deductions for certain group II members.
257, Approp 878, psd 997, 1025, enr 1082 (Chapter 251)
- SB 123.** relative to the right to know law.
S study 1199
- SB 125.** adopting the uniform trade secrets act.
257, psd 926, 981, enr 1070 (Chapter 220)
- SB 127-FN.** relative to licensing physical therapists.
251, psd 860, 866, enr 942 (Chapter 135)
- SB 128.** relative to subdivision approval by planning boards.
251, K 880
- SB 132-FN.** relative to Rockingham Park and the Rochester Agricultural and Mechanical Association, Inc.
251, am & K (2 RC's) 892-903, recon rej 905
- SB 133-FN-A.** making an appropriation for Title XX grants and protective and preventive child care.
257, Approp 844, K 1008
- SB 134-A.** relative to the purchase and maintenance of airports and making an appropriation therefor.
252, K 840
- SB 135-FN.** relative to student literacy.
252, psd 807-808, 826, enr 857, S sustained veto 1157
- SB 136-FN.** prohibiting abortions performed on certain minors without parental consent.
203, K (RC) 641-645
- SB 137-FN.** relative to the language, phrasing, and explanation of ballot questions.
252, K 886
- SB 138-FN.** establishing a committee to study supplemental education assistance to school districts with assisted housing units.
252, K 835
- SB 139-FN.** relative to notifying property owners of zoning changes.
252, K 880
- SB 140-FN.** relative to elderly property tax exemptions and increases in the assessed valuation of real estate.
252, K 934
- SB 141-FN.** providing business profits tax credits for the sale of certain conservation and recreation land.
252, K 941

- SB 144-FN.** relative to blood alcohol tests.
1044, rules suspended & psd 1075, 1101, enr am 1178-1179, enr 1184 (Chapter 392)
- SB 145-FN.** to authorize municipalities to establish special revenue funds.
252, psd 880, 906, enr am 1034, enr 1111 (Chapter 279)
- SB 146-FN.** relative to judicial salaries.
257, rem 991, psd (RC) 1021-1024, 1026, enr 1069 (Chapter 213)
- SB 147-FN-A.** relative to waiting lists for developmentally disabled persons.
252, am & Approp 889-890, am 997, psd 1025, S conc 1053, enr 1111 (Chapter 280)
- SB 148-FN.** relating to imposing fines for cosmetology practice violations.
S study 1199
- SB 150.** relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor.
New title: relative to the department of transportation federal aid highway appropriation accounts and making an appropriation therefor: appropriating funds for a study of Route 101; and making an addition to the 10-year highway plan.
252, Approp 773-774, am 998-999, psd 1025, S nonconc, conf 1067, 1101, rep adop 1128, 1159, enr 1183 (Chapter 391)
- SB 151-A.** directing the commissioner of the department of transportation to complete New Hampshire Route 101.
252, psd 744, 760, enr 856 (Chapter 103)
- SB 152-FN-A.** relative to a study of a portion of the Spaulding Turnpike and making appropriation therefor.
New title: relative to a study of a portion of the Spaulding Turnpike and making an appropriation therefor, and establishing a committee to study traffic problems on Routes 16 and 302 in the Mt. Washington Valley.
252, am & Approp 840-842, psd 999, 1025, S conc 1066, enr 1111, appointments 1209 (Chapter 281)
- SB 153-FN-A.** establishing a committee to study the AFDC program.
New title: establishing a committee to study the AFDC program and making an appropriation therefor.
257, Approp 864, rules suspended 866, am 999, psd 1025, S nonconc, conf 1067, rep adop 1128-1129, 1159, enr 1183, appointments 1209-1210 (Chapter 390)
- SB 154-FN-A.** relative to timely distribution of sweepstakes revenues through the foundation aid formula.
257, am & Approp 870-871, am 1008-1009, psd 1026, S nonconc, conf 1071, 1072, rep adop 1129-1130, 1159, enr 1181 (Chapter 414)
- SB 156-FN.** relative to refuse disposal.
203, SO 955-956, am (RC) 986-991, psd 1025, S conc 1048, enr 1082 (Chapter 273)
- SB 157-FN.** relative to special license plates for solid waste haulers.
257, K 938
- SB 158-FN.** relative to the sale of a manufactured housing park.
252, psd 808, 826, enr 857 (Chapter 104)
- SB 161.** authorizing regional agreements for water resources management and protection plans.
252, psd 744, 760, enr 856 (Chapter 105)
- SB 163-FN.** relative to power production capacity of certain small power production facilities.
252, am 882-883, psd 906, S conc 985, enr 1069 (Chapter 211)
- SB 164-FN.** relative to licensing ophthalmic dispensers.
First new title: relative to registering ophthalmic dispensers.
Second new title: relative to registering ophthalmic dispensers and making an appropriation therefor.
203, am & Approp 836-838, psd 999, 1025, S nonconc, conf 1068, 1072, rep adop 1130, 1159, enr am 1164, enr 1181 (Chapter 389)
- SB 166.** establishing the home mortgage guarantee authority, relative to modifying planning board procedures on plats and relative to invalid zoning ordinances and appeals to the superior court.
252, K 880
- SB 168-FN.** establishing a division of fire service.
257, Approp 878-879, rules suspended 905-906, am 999-1001, psd 1025, S nonconc, conf 1068, rep adop 1130-1131, 1159, enr am 1166-1167, enr 1182 (Chapter 388)

- SB 169-FN**, creating a committee to study school tax rates.
252, K 808
- SB 170-FN-A**, establishing an emergency shelter telephone service and a pilot housing voucher program, and making an appropriation for the emergency shelter telephone service.
257, am & Approp 890-891, K 1001
- SB 171-FN**, relative to revenue distribution.
257, am 941-942, psd 981, S conc 1048, enr 1082 (Chapter 252)
- SB 172-FN-A**, relative to the capital reserve fund and making an appropriation therefor.
252, K 1009
- SB 173**, adopting uniform commercial code article 2A - leases.
203, K 944
- SB 174-FN**, relative to regulation of estheticians.
252, rem 870, psd 904, 906, enr am 986, enr 1069 (Chapter 221)
- SB 175-FN-A**, making an appropriation to the arts development program.
257, rem 724, am (RC) & Approp 750-754, am 1010-1011, psd 1026, S nonconc, conf 1068, 1072, rep adop 1131, 1159, enr 1181 (Chapter 412)
- SB 177-FN-A**, establishing an interest-free revolving loan fund and a guaranteed loan program for child care providers.
252, am & Approp 844-847, rules suspended 866, psd 1001, 1025, S conc 1053, enr am 1164-1165, enr 1181 (Chapter 411)
- SB 178**, relative to campaign financing.
252, psd (RC) 944-948, 981, enr 1069, appointments 1211 (Chapter 212)
- SB 179-FN-A**, establishing a committee to study the feasibility of a privately funded zoological park, aquarium, and botanical garden
257, K 774
- SB 180**, relative to abandoned vehicles.
252, am 938-941, psd 981, S conc 1048, enr 1082 (Chapter 253)
- SB 181**, making technical changes in certain laws relating to dams.
252, psd 744, 760, enr 856 (Chapter 106)
- SB 182**, making appropriations to expand the nursing programs at the New Hampshire vocational-technical college-Claremont.
257, K 771
- SB 183-FN**, relative to the time for holding school elections in cities.
252, K 834
- SB 185-FN**, establishing a board of natural scientists study committee.
257, psd 879, 906, enr 1027 (Chapter 136)
- SB 187-FN-A**, relative to drug and alcohol abuse treatment at the New Hampshire state prison and making an appropriation therefor.
257, K 844
- SB 189**, relative to the study of New Hampshire commuter rail service.
252, psd 941, 981, enr 1181, appointments 1210 (Chapter 387)
- SB 191-FN-A**, relative to telecommunications devices for the deaf
New title: relative to telecommunications devices for the deaf and making an appropriation therefor.
257, am & Approp 891-892, psd 1011, 1026, S nonconc, conf 1056, rep adop 1131-1132, 1159, enr 1181 (Chapter 413)
- SB 192-FN**, relative to certification of landscape architects.
257, K 879
- SB 193**, relative to the appointment and removal of assistant secretaries of state, and relative to the appointment of a senior deputy secretary of state.
257, Approp 834, psd 1001, 1025, enr 1082 (Chapter 254)
- SB 195-FN-A**, establishing a family support network for families caring for children or adult family members with disabilities at home and making an appropriation therefor.
257, am & Approp 848-849, am 1011, psd 1026, S conc 1031, enr 1083 (Chapter 255)
- SB 196-FN**, relative to bail reform.
New title: relative to bail.
252, am 930-932, psd 981, S nonconc, conf 1057, 1072, rep adop 1132-1137, 1159, enr am 1168-1169, enr 1184 (Chapter 386)

- SB 197-FN**, granting the bureau of fire safety the authority to regulate liquid propane gas pipeline safety.
257, am 743, psd 760, enr 907 (Chapter 123)
- SB 198-FN**, repealing the anti-CWIP law.
S study, 1199
- SB 199**, relative to the revocation or suspension of fish and game licenses.
253, psd 748, 760, enr 857 (Chapter 107)
- SB 203-FN**, relative to employing minors enrolled in school.
253, am 926-928, psd 981, S nonconc, conf 1056, rep adop 1137-1138, 1159, enr 1182 (Chapter 385)
- SB 205-FN-A**, relative to establishing the New Hampshire energy authority and making an appropriation therefor.
714, am (3 RC's) 913-924, psd 981, S conc 1031, enr 1028, appointments 1210 (Chapter 124)

SENATE CONCURRENT RESOLUTIONS

- SCR 1**, amending Joint Rule 4-A(b).
762, K 936
- SCR 2-FN**, recognizing the importance of recycling.
253, adop 771, 826, enr 857
- SCR 3**, establishing a national veterans' cemetery in New England.
253, adop 744, 760

CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

- CACR 1**, relating to meetings of the general court. Providing that the general court shall meet biennially.
253, K (RC) 1036-1043
- CACR 2**, relating to line item veto power. Providing that the governor may approve appropriation bills in whole or in part. (Granger of Hil. 13; Barberia of Mer. 6 - To Constitutional and Statutory Revision)
33, K (RC) 151-154
- CACR 5**, relating to rulemaking authority. Providing that the general court may delegate regulatory authority to executive branch officials, but such rules may be disapproved by the general court. (McCain of Rock. 11; Palumbo of Rock. 10 - To Constitutional and Statutory Revision)
51, am 227-228, psd 248, S nonconc 1048
- CACR 6**, relating to voter initiative and referendum. Providing that statutes and constitutional amendments may be proposed, approved or rejected by citizen petition to the secretary of state. (Holden of Hil. 9 - To Constitutional and Statutory Revision)
107, K 287
- CACR 7**, relating to limiting sweepstakes funds to educational purposes. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Hawkins of Bel. 5 - Constitutional and Statutory Revision)
107, K 287-288
- CACR 8**, relating to providing child care services for legislators. Providing that members of the legislature be provided on-site child care services or be compensated for having to obtain child care. (Harland of Sul. 8; Scharff of Str. 6 - To Legislative Administration)
107, K 482
- CACR 9**, relating to mandated programs. Providing that the state shall not mandate that political subdivisions expend funds for any state programs or responsibilities unless the local legislative body votes to agree. (Buco of Rock. 20 et al - To Constitutional and Statutory Revision)
107, K 442
- CACR 10**, relating to a limit on spending increases of 5 percent at all levels of government. Providing that no government entity including the state, any state agency, city, town, school district, village district, water district, sewer district, county or other governmental entity shall increase its total spending by more than 5 percent per year, unless approved by a 2/3 vote of those members of the legislative body present and voting. (Welch of Rock. 10 et al - To Constitution and Statutory Revision)
107, K (RC) 288-291

- CACR 11.** relating to rulemaking authority of the supreme court. Providing that supreme court rules are effective only when not inconsistent with statute. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
107, K 291
- CACR 12.** relating to compensation of the legislature. Providing that the compensation of the legislature shall not be controlled through the constitution. (Pierce of Ches. 17 - To Constitutional and Statutory Revision)
107, K 442
- CACR 13.** relating to jury trials. Providing that a 12-person jury is required in capital cases and when imprisonment may be more than one year, but that other juries shall consist of 6 persons. (Murphy of Hil. 40 - To Judiciary)
107, com changed 133, K 442
- CACR 14.** relating to removing members of the general court. Providing that the secretary of state shall request the resignation of or shall remove, if resignation is refused, any member of the general court who is absent from the legislature for at least 50 percent of the session days in a legislative session; vacancies be filled by appointment of the candidate with the next largest number of votes; if the member ran unopposed then a special election shall be held to fill the vacancy. (Oleson of Coos 7 - To Constitutional and Statutory Revision.)
108, K 291-292
- CACR 15.** relating to indirect initiative petition. Providing that statutes may be proposed by citizen petition to the general court. (Hall of Hil. 16 - To Constitutional and Statutory Revision)
108, K 292
- CACR 16.** relating to the item veto in certain bills passed by the general court. Providing that the governor may strike out or reduce items or sections in the operating, capital or supplemental budget bills and a majority vote of the entire membership of each house would be required to override any such veto or reduction. (Pepino of Hil. 37 - To Constitutional and Statutory Revision)
115, K 443

TABLE OF REFERENCES FROM CHAPTER OF 1989 LAWS TO BILL NUMBERS

Chapter	Bill	Chapter	Bill	Chapter	Bill
1	HB 152	51	HB 134	101	SB 47
2	HB 459	52	HB 159	102	SB 48
3	HB 750	53	HB 163	103	SB 151
4	HB 765	54	HB 176	104	SB 158
5	HB 17	55	HB 182	105	SB 161
6	HB 20	56	HB 197	106	SB 181
7	HB 31	57	HB 201	107	SB 199
8	HB 43	58	HB 247	108	HB 11
9	HB 52	59	HB 272	109	HB 254
10	HB 60	60	HB 285	110	HB 292
11	HB 62	61	HB 320	111	HB 241
12	HB 63	62	HB 325	112	HB 10
13	HB 65	63	HB 338	113	HB 14
14	HB 74	64	HB 389	114	HB 99
15	HB 89	65	HB 402	115	HB 365
16	HB 97	66	HB 408	116	HB 369
17	HB 107	67	HB 456	117	HB 370
18	HB 110	68	HB 460	118	HB 458
19	HB 122	69	HB 472	119	HB 680
20	HB 124	70	HB 473	120	HB 691
21	HB 125	71	HB 484	121	SB 63
22	HB 128	72	HB 494	122	SB 104
23	HB 160	73	HB 554	123	SB 197
24	HB 161	74	HB 617	124	SB 205
25	HB 186	75	HB 625	125	SB 15
26	HB 205	76	HB 655	126	SB 46
27	HB 246	77	HB 762	127	SB 49
28	HB 316	78	HB 38	128	SB 53
29	HB 336	79	HB 46	129	SB 54
30	HB 359	80	HB 54	130	SB 120
31	HB 16	81	HB 130	131	SB 29
32	HB 27	82	HB 132	132	SB 55
33	HB 37	83	HB 151	133	SB 93
34	HB 53	84	HB 154	134	SB 118
35	HB 102	85	HB 184	135	SB 127
36	HB 185	86	HB 189	136	SB 185
37	HB 212	87	HB 244	137	HB 32
38	HB 259	88	HB 302	138	HB 34
39	HB 454	89	HB 477	139	HB 40
40	HB 455	90	HB 489	140	HB 91
41	HB 499	91	HB 497	141	HB 93
42	HB 507	92	HB 523	142	HB 94
43	HB 511	93	HB 537	143	HB 112
44	HB 512	94	HB 565	144	HB 123
45	HB 611	95	HB 657	145	HB 138
46	HB 223	96	HB 729	146	HB 145
47	HB 15	97	SB 6	147	HB 148
48	HB 51	98	SB 12	148	HB 166
49	HB 71	99	SB 17	149	HB 167
50	HB 119	100	SB 34	150	HB 175

TABLE OF REFERENCES (cont.)

Chapter	Bill	Chapter	Bill	Chapter	Bill
151	HB 178	201	HB 652	251	SB 122
152	HB 207	202	HB 758	252	SB 171
153	HB 209	203	HB 763	253	SB 180
154	HB 219	204	SB 8	254	SB 193
155	HB 232	205	SB 13	255	SB 195
156	HB 237	206	SB 30	256	HB 503
157	HB 261	207	SB 32	257	HB 41
158	HB 267	208	SB 84	258	HB 77
159	HB 271	209	SB 95	259	HB 81
160	HB 277	210	SB 119	260	HB 82
161	HB 298	211	SB 163	261	HB 87
162	HB 313	212	SB 178	262	HB 136
163	HB 323	213	SB 146	263	HB 332
164	HB 324	214	SB 18	264	HB 428
165	HB 373	215	SB 22	265	HB 509
166	HB 375	216	SB 31	266	HB 531
167	HB 401	217	SB 38	267	HB 536
168	HB 414	218	SB 96	268	HB 571
169	HB 449	219	SB 100	269	HB 584
170	HB 457	220	SB 125	270	HB 644
171	HB 467	221	SB 174	271	HB 651
172	HB 476	222	HB 19	272	HB 726
173	HB 493	223	HB 28	273	SB 156
174	HB 498	224	HB 58	274	SB 107
175	HB 505	225	HB 80	275	SB 5
176	HB 521	226	HB 84	276	SB 61
177	HB 553	227	HB 98	277	SB 99
178	HB 615	228	HB 120	278	SB 110
179	HB 676	229	HB 142	279	SB 145
180	HB 708	230	HB 150	280	SB 147
181	HB 748	231	HB 157	281	SB 152
182	HB 751	232	HB 173	282	HB 39
183	HB 24	233	HB 187	283	HB 56
184	HB 36	234	HB 210	284	HB 111
185	HB 57	235	HB 238	285	HB 140
186	HB 66	236	HB 290	286	HB 144
187	HB 113	237	HB 397	287	HB 239
188	HB 114	238	HB 579	288	HB 289
189	HB 115	239	HB 608	289	HB 305
190	HB 129	240	HB 616	290	HB 376
191	HB 131	241	HB 622	291	HB 429
192	HB 155	242	HB 640	292	HB 516
193	HB 221	243	HB 643	293	HB 606
194	HB 240	244	SB 16	294	HB 681
195	HB 264	245	SB 21	295	HB 699
196	HB 279	246	SB 23	296	HB 737
197	HB 291	247	SB 43	297	HB 752
198	HB 354	248	SB 44	298	HB 755
199	HB 532	249	SB 60	299	SB 9
200	HB 609	250	SB 64	300	SB 50

TABLE OF REFERENCES (cont.)

Chapter	Bill	Chapter	Bill	Chapter	Bill
301	SB 109	351	SB 7	401	HB 629
302	HB 45	352	SB 10	402	HB 637
303	HB 59	353	SB 14	403	HB 654
304	HB 96	354	SB 24	404	HB 658
305	HB 103	355	SB 27	405	HB 661
306	HB 177	356	SB 33	406	HB 677
307	HB 251	357	SB 36	407	HB 693
308	HB 345	358	SB 39	408	HB 764
309	HB 394	359	SB 40	409	SB 111
310	HB 410	360	SB 45	410	SB 56
311	HB 433	361	SB 52	411	SB 177
312	HB 475	362	SB 51	412	SB 175
313	HB 486	363	SB 67	413	SB 191
314	HB 487	364	SB 69	414	SB 154
315	HB 528	365	HB 200	415	HB 288
316	HB 587	366	SB 70	416	HB 327
317	HB 595	367	HB 100	417	HB 578
318	HB 605	368	SB 71	418	HB 722
319	HB 147	369	SB 73	419	HB 767
320	HB 29	370	SB 77	420	HB 768
321	HB 50	371	SB 81	421	HB 769
322	HB 70	372	SB 82		
323	HB 85	373	SB 86		
324	HB 88	374	SB 87		
325	HB 104	375	SB 88		
326	HB 117	376	SB 89		
327	HB 146	377	SB 90		
328	HB 206	378	SB 91		
329	HB 222	379	SB 94		
330	HB 260	380	SB 97		
331	HB 270	381	SB 98		
332	HB 300	382	SB 105		
333	HB 353	383	SB 108		
334	HB 371	384	SB 106		
335	HB 384	385	SB 203		
336	HB 385	386	SB 196		
337	HB 396	387	SB 189		
338	HB 434	388	SB 168		
339	HB 445	389	SB 164		
340	HB 464	390	SB 153		
341	HB 465	391	SB 150		
342	HB 488	392	SB 144		
343	HB 492	393	SB 113		
344	HB 502	394	HB 226		
345	HB 518	395	HB 262		
346	HB 546	396	HB 273		
347	HB 582	397	HB 556		
348	HB 594	398	HB 586		
349	HB 710	399	HB 590		
350	HB 766	400	HB 613		

